

PROPOSED REGULATIONS

(Amendments to Title 14, Division 7, Chapter 8)

Title 14. Natural Resources

Division 7. California Integrated Waste Management Board

Chapter 8. Used Oil Recycling Program

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Article 1. General Provisions and Definitions

18601 Definitions

(a) In addition to the definitions provided in the Public Resources Code, the following definitions shall apply whenever the terms are used in this Chapter.

(2) "Annual report" means a report that is submitted to the Board by each grant recipient beginning on the first January 1 after receiving a block grant and on or before January 1 thereafter for the term of the grant agreement, and as defined in Section 48674 of the Public Resources Code.

(3) "Anonymously donated" means delivered to a used oil collection center under circumstances which prevent identification of the generator, such as delivery after hours.

(4) "Applicant" means the local agency applying for a block grant.

(5) "Block grant" means an award of funds from the California Used Oil Recycling Fund to a local agency which is based on the evaluation of an applicant's used oil collection program submitted pursuant to Section 48690 of the Public Resources Code.

(6) "Block grant account" means monies available for block grants to local governments as described in Section 48653(a)(4) of the Public Resources Code.

(8) "Curbside collection program" means a service sponsored by a local agency which collects used oil, and may collect other recyclable material, including but not limited to newspaper, glass containers, aluminum cans, and bi-metals.

(9) "Department" means the Department of Toxic Substances Control.

(11) "Fiscal Year" means the year commencing on July 1 and ending on June 30 of each year.

(14) "Grant Agreement" means the written document, and any amendment(s) and written change orders thereto, which is signed by the Board or by its designated representative and the grant recipient, which defines the terms, provisions and conditions governing a block grant.

(15) "Grant Recipient" means the local agency which receives a block grant from the Board.

(16) "Grant Year" means the time period in which the grant application submittal, evaluation, selection, and award distribution will occur. The time period will begin on the first day of may in one year and end on April 30 of the next calendar year.

(17) "Incentive claim/report" means the formal request for payment of incentive fees on used lubricating oil either used to generate electricity by an electric utility, or transported by a used oil hauler to a certified used oil recycling facility or to an out-of-state facility registered with the U.S. EPA and in compliance with the regulations of the state in which the facility is located. The incentive claim/report is designed to satisfy the report requirements described in Public Resources Code Section 48670.

(20) "Local agency" means a public entity which is a city, county, or district, or any political subdivision but not the State.

(27) "Patron" means the person or entity delivering used oil to a certified collection center for storage and transportation to a recycling facility.

(29) "Recycling Incentive" means the amount the Board pays for each quart of lubricating oil recycled, to every industrial generator, curbside collection program, certified used oil collection center, or electric utility pursuant to Sections 48651(a) and (b) of the Public Resources Code.

(30) "Regional" means any geographic area which includes two or more local agencies.

(31) "Used oil collection program" means a program undertaken by a local agency to encourage the collection, recycling, and proper disposal of used oil generated at households. A used oil collection program includes but is not limited to, integration of used oil collection into an existing curbside collection program, household hazardous waste program, and a public education and awareness program to promote opportunities for, and to educate the public as to the benefits from, the recycling of used oil.

Note: Authority cited: Sections 405023 and 48641, Public Resources Code. Reference: 48651, 48660, 48670, 48674, 48690, and 48691, Public Resources Code.

**Article 2.1 Recordkeeping, Auditing, and Administrative
Actions for Entities Claiming Recycling Incentives**

18619.1 Scope and applicability.

The regulations contained in this Article set forth recordkeeping requirements with which certified used oil collection centers, curbside collection programs, industrial generators, and electric utilities wishing to claim recycling incentives must comply.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48631(d), 48660, 48670, and 48680, Public Resources Code.

18619.2 Will the Board examine my books, records, and operations to determine whether I am in compliance with the program requirements?

(a) Yes. An operator of a certified or registered program shall provide access to the Board or persons authorized by the Board for any one or all of the following purposes:

(1) To determine compliance with the provisions of the Act and this Chapter;

(2) To determine the accuracy of any information provided to the Board;

(3) For the investigation of complaints related to compliance with the provisions of the Act and this Chapter; or

(4) To inspect any records required by the Act or this Chapter.

(b) An applicant for certification or registration shall provide access to the Board or persons authorized by the Board for the purposes listed in subparts (a)(1), (a)(2), and (a)(4) of this Section.

(c) Failure to provide access, as required, may result in one or more of the following:

(1) Denial of a pending application;

(2) Cancellation of a certification, or denial of a recertification request;

(3) Legal actions pursuant to Public Resources Code Section 48680;

(4) Recoupment of monies previously paid by the Board, which were the subject of the inspection; or

(5) Rejection of incentive claims made to the Board.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48631(d), 48660, 48670, and 48680, Public Resources Code.

18619.3 How must records be maintained to satisfy the requirements of this Chapter?

(a) Any records which you are required to maintain pursuant to this Chapter or the Act must be kept in accordance with the following provisions:

(1) You must give the Board notice of the location of your records on or before April 1, 1993, or upon certification or registration pursuant to Articles 5 and 6.1 of this Chapter, respectively. "Notice" of any change in location, or intent to establish a new location of such records, must be provided no less than ten (10) days prior to any change in location or establishment of a new location. "Notice" shall mean a written notice stating the name of the business entity, the complete present and potential future addresses of the location of the records, if applicable, and the names and telephone numbers of the individual(s) responsible for such records.

(2) Records must be retained for at least three years.

(3) All records maintained pursuant to this Chapter must include the books of account that are ordinarily maintained by the average prudent businessperson engaged in the same activity, together with all bills, receipts, invoices, manifests, cash register tapes, or other documents of original entry supporting the entries in the books of account. If records are maintained in an Automatic Data Processing (ADP) system, it must have built into its program a method of producing visible and legible records which will provide the necessary information to determine compliance with the requirements of this Chapter.

(4) All records maintained pursuant to this Chapter shall be suitable for examination. Records satisfy this standard when they are prepared and retained in accordance with generally accepted accounting principles and good business practice.

Note: Authority Cited: Sections 40502 and 48651, Public Resources Code. Reference: Sections 48631 (d), 48660, 48670, and 48680, Public Resources Code.

18619.4 Are the reports and information that I submit to the Board public documents?

(a) All information obtained by the Board, or persons authorized by the Board, may be disclosed to the public upon request, unless the information is exempt from disclosure pursuant to the Act, the Public Records Act (Government Code Section 2650 et. seq.), or another applicable law. Information exempt from public disclosure may include, but is not limited to: proprietary information concerning specific sales or purchases of new or used lubricating or industrial oil; market reports; personal financial data; and trade secrets, as defined in the Public Resource Code, which the reporter has requested not be publicly disclosed.

(b) If you believe that any information submitted to the Board is a trade secret, you must identify this information at the time of submission. Any information not identified by you as a trade secret shall be made available to the public, unless exempted from disclosure by another provision of law.

(c) Regarding trade secrets, the Board shall determine whether any or all of the information has been properly identified as a trade secret.

(d) Upon receipt of a written request for records pertaining to information obtained by the Board pursuant to this Chapter, the Board shall determine whether the requested information is exempt from disclosure.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48675, Public Resources Code.

18619.5 What happens if my used oil collection program is not in compliance with the requirements of the Act or of this Chapter?

Violations of the Act or of any regulation contained in this Chapter may be subject to the provisions of Section 48680 of the Public Resources Code.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48631(d), 48660, and 48680, Public Resources Code.

Article 5. Used Oil Recycling Facilities

18640 Scope and Applicability

In addition to the general requirements of Article 2 of this Chapter, used oil recycling facilities, as defined in Section 48624 of the Public Resources Code, shall comply with the provisions of this Article.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48624, 48662, and 48673, Public Resources Code.

18643.0 Who may become a certified used oil recycling facility?

The Board shall consider certifying any used oil recycling facility in California, as defined in Section 48624 of the Public Resources Code.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48624 and 48662, Public Resources Code.

18643.1 Why should I become a certified used oil recycling facility?

It is necessary for used oil recycling facilities to become certified because recycling incentives can only be paid to certified used oil collection centers, industrial generators, or curbside collection programs that transport used oil to certified used oil recycling facilities or to an out of state recycling facility as described in Section 48651 of the Public Resources Code. Industrial oil must also be hauled to certified used oil recycling facilities.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651, Public Resources Code.

18643.2 As an operator of a used oil recycling facility, must I apply for certification/recertification of the facility?

No. Once the Board receives a report from the Department following the annual inspection of your facility, the Board initiates the certification/recertification process for your facility.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

18643.3 How does the Board certify or recertify a used oil recycling facility?

(a) Following the annual inspection of a used oil recycling facility pursuant to Section 48661 of the Public Resources Code, the Department forwards an inspection report of the facility to the Board.

(b) Within ten (10) working days of receipt of an inspection report for a used oil recycling facility, the Board notifies the operator of the facility in writing that its certification/recertification is being processed.

(c) Within forty five (45) working days of receipt of the above described inspection report, the Board notifies the operator of the facility in writing that its certification is either:

(1) Approved; or

(2) Denied, and the reasons for denial.

(d) If a certification is approved, the Board sends a certificate to the operator of the facility.

(e) In case of denial, the operator of the facility may request a hearing.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

18643.4 As an operator of a used oil recycling facility, what should I do with the certificate that the Board issues to me?

(a) The certificate shall be kept on file at the used oil recycling facility. An operator may request that the certificate be kept on file at another location, and the Board may grant approval of such request when the request is submitted in writing and the following conditions are met:

(1) A copy of the certificate with a statement indicating where the original certificate is maintained is kept at the recycling facility; and

(2) The original certificate is maintained at the main business office of the operator where records and reports meeting the requirements of Article 5 of these regulations are maintained.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

18643.5 How long is a certificate valid?

(a) A certificate is valid until such time that it is surrendered by the operator, or recertification is denied pursuant to Section 18643.3 of this Article.

(b) A certificate does not expire, and the operator of a used oil recycling facility is not required to submit an application for recertification. Upon receipt of the annual inspection report from the Department, the Board automatically initiates the certification/recertification process for a facility. However, upon evaluating the annual inspection report, the Board may either certify/recertify a used oil recycling facility or deny its certification/recertification pursuant to Section 18643.3 of this Article.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

18643.6 Is the certificate transferrable?

No. The certificate is neither transferrable nor assignable to any other person. It is issued to a specific operator of a used oil recycling facility for a specific location. The operator of a used oil recycling facility must notify the Board in writing of any change in the operator, location of the facility, or cessation of facility operation. The notification shall be submitted to the Board within sixty (60) calendar days of the change occurring.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

18643.7 Is there a list of certified used oil recycling facilities available?

(a) Yes. The Board maintains a current list of certified used oil recycling facilities. The list is available to the public upon request.

(b) The Board also maintains a current list of used oil recycling facilities whose certifications were denied by the Board. This list is also available to the public upon request.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

**Article 6.0 Used Oil Collection Center Certification and
Operation Standards**

18650.0 Scope and Applicability.

Any person wishing to become a certified used oil collection center, pursuant to Section 48660 of the Public Resources Code, must comply with the provisions of this Article.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.1 Who may apply for certification?

Any operator or proposed operator of a used oil collection center is eligible to apply for certification from the Board.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.2 How do I apply for certification?

(a) A separate, complete application containing the information requested in Section 18650.3, below, for each used oil collection center must be submitted to the Board when requesting certification.

(b) The filing period for applications is continuous.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.3 What information am I required to provide in the application for certification?

(a) To be considered complete, applications shall contain the following information:

(1) A request for either initial certification, or recertification.

(A) If the application is for recertification, it shall include only that information which has changed since the last application for certification was submitted to the Board.

(2) The name, street and mailing address, and phone number (if applicable) of the used oil collection center, and, if different, of the operator.

(3) The type of organization which the operator represents.

(A) If the organization is an individual business doing or proposing to do business under a different name, the applicant shall provide a copy of the fictitious business name statement.

(B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement.

(C) If the organization is a corporation, the applicant shall provide the corporate number and Articles of Incorporation as filed with the Secretary of State, the name and position of all current corporate officers, and the agent for service of process. If a corporation applies for certification of more than one used oil collection center, it may submit a copy of the Articles of Incorporation with the first application submitted and reference said application in all subsequent certification application submittals.

(i) If the operation is a for-profit corporation from a state other than California, a copy of the approved certificate from the California Secretary of State qualifying and authorizing the corporation to transact business in California shall be submitted.

(D) If the organization is a husband and wife co-ownership, the application shall contain both names.

(E) If the organization is a local government agency, the applicant shall provide a copy of the authorizing resolution from the governing board.

(F) If the operation is a private, nonprofit program, the applicant shall provide verification of nonprofit status. A copy of the following will constitute verification:

(i) Letter from the Federal Internal Revenue Service confirming tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code; and

(ii) Letter from the State of California Franchise Tax Board confirming tax exempt status

pursuant to Section 23701(d) of the Revenue and Taxation Code; and

(iii) Articles of Incorporation filed with the Secretary of State.

(4) The federal identification number (employer ID number) of the organization.

(5) A description of the physical location of the facility in relation to the nearest cross street.

(6) A site location map showing the general location of the collection center. Such maps shall show points of access to the site.

(7) The name, street and mailing address, and phone number of the owner or leaseholder, if applicable, of the facility premises.

(A) If the applicant owns the property, a copy of the deed, a current mortgage statement or a current tax bill which specifically identifies the operator name and the facility location.

(B) If applicant is leasing, renting, or operating on donated space, a signed copy of a lease, rental agreement or written permission from the property owner or leaseholder who has authority to determine use of the specific property shall be provided.

(8) Verification that the applicant has applied to the applicable local government agency(ies) to obtain all required permits for land use and all required operating approvals for the specific facility location; including, where applicable:

(A) A copy of the application(s) filed with the local agency(ies); or

(B) A written statement from the local agency(ies) containing:

(i) the date an application was filed or a statement that all required permits and approvals have been obtained; and

(ii) the signature, printed name, title, and phone number of the person providing the statement; or

(C) A copy of all local permit(s).

(9) If it is a proposed operation, the date the center intends to begin accepting used oil from the public.

(10) If it is an existing facility, the date the center began accepting used oil from the public.

(11) The actual days and hours the used oil collection center is, or will be, open for business.

(12) If applicable, the hazardous waste generator identification number assigned by either the Department of Toxic Substances Control or the U.S. EPA.

(13) Description of operations conducted at the collection center, if any, in addition to the collection of used oil from the public. Description of other materials collected for disposal and/or recycling at the facility.

(14) Anticipated or actual used oil storage vessel capacity, in gallons.

(15) If the application is for initial certification, a description of the type and frequency of advertising which will be conducted to comply with Section 18651.5 of this Chapter.

(16) If the application is for recertification, a description of the method and frequency of each type of advertising conducted (since the previous application for certification was submitted) to comply with Section 48660(b)(4) of the Public Resources Code and Section 18651.6 of this Chapter. Whenever possible, an example or facsimile of each advertising event should be included.

(17) Any other information the Board determines is necessary to aid in a finding of compliance with Public Resources Code Section 48660(b).

(b) The application shall be signed by the applicant(s) as described below, under penalty of perjury. The signature block shall contain an affidavit stating the following: "I certify under penalty of perjury that the information contained in this application is true and correct to the best of my knowledge and I agree to operate in compliance with the requirements of the California Oil Recycling Enhancement Act, and with all related regulatory provisions."

(1) If the operator is a partnership, the application shall be signed by each partner.

(2) If the operator is a firm, association, corporation, county, city, public agency or other governmental entity,

the application shall be signed by the chief executive officer or the individual with authority to legally bind the entity to a contract.

(3) If the operator is a husband and wife co-ownership, the application shall be signed by both the husband and wife.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.4 How does the Board process an application for certification of a used oil collection center?

(a) The Board issues an identification number to all used oil collection centers upon receipt of an application for certification.

(b) All applications for certification are reviewed by the Board for compliance with these regulations and with the Act.

(c) The Board will periodically conduct field investigations to verify the ongoing accuracy of information contained in a certification application.

(d) The Board will notify an applicant in writing within ten (10) working days of receipt of the application that it is either:

(1) Complete and correct and accepted for further review; or

(2) Incomplete and rejected and the reason(s) for rejection.

(e) Upon determining that an application is complete and correct, the Board shall notify the applicant in writing within forty-five (45) calendar days that certification is either:

(1) Granted; or

(2) Denied and the reason(s) for denial.

(f) If the Board grants certification, the applicant shall receive written notice, a certificate, and a certification sign.

(g) If the Board denies certification of a used oil collection center, and the applicant wishes a hearing on such denial, a request for hearing must be made to the Board in writing.

(h) Reasons for denial of certification may include, but are not limited to:

(1) Failure to provide information or documentation to substantiate the application as stipulated in Section 18650.3 of this Chapter;

(2) For recertification:

(A) The applicant's certification history demonstrates a pattern of operation in conflict with the requirements of the Act, including any relevant regulations;

(B) The applicant's certification history demonstrates outstanding fines, penalties, or unresolved audit findings.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.5 May a person withdraw an application for certification?

Yes. An applicant may withdraw an application from review by the Board. Such withdrawal shall be requested in writing and submitted to the Board. A withdrawal of application does not prohibit the operator of a used oil collection center from reapplying at a later date.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.6 As the operator of a certified used oil collection center, might there ever be an occasion when I will need to submit a new application?

(a) Yes. An operator shall be required to file a new application with the Board in accordance with the requirements of this Chapter when any of the following conditions occur:

(1) A change in the location or closure of the certified used oil collection center; or

(2) A change in the operator of the certified used oil collection center; or

(3) Expiration of the certificate pursuant to Section 18650.8 of this Article.

(b) Because a certificate is not transferrable (see Section 18651.0 of this Article), an application for initial certification must be submitted whenever there is a change in the location or operator of a certified used oil collection center.

(c) An application for initial certification or recertification shall be submitted at least sixty (60) calendar days prior to any of the events listed in (a) above to avoid any lapse in incentive payments.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.7 What should I do with the certificate once I have received it?

(a) The certificate shall be kept on file at the used oil collection center. An operator may request that the certificate be kept on file at another location, and the Board may grant approval of such request when the request is submitted in writing and the following conditions are met:

(1) A copy of the certificate with a statement indicating where the original certificate is maintained is kept at the used oil collection center; and

(2) The original certificate is maintained at the main business office of the operator where records and reports meeting the requirements of this Chapter are maintained.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.8 When does my certificate expire?

A certificate shall be valid for two (2) years from the date certification is approved by the Board, or until such time as it is voluntarily surrendered by the operator, denied pursuant to Section 18650.4 of this Chapter, or canceled by the Board pursuant to Section 48660(a) of the Public Resources Code.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.9 Is a certificate transferrable or assignable?

No. The certificate is issued to a specific used oil collection center operator for a specific location and is neither transferrable nor assignable to any other person.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18651.0 What must I do with a certification sign once I have received it?

(a) Commencing April 1, 1993, all certified used oil collection centers shall display a certification sign provided by the Board. The sign shall be in compliance with Public Resources Code Section 48660(b)(4) and will also include the following information:

(1) State of California Certified;

(2) 5 gallon per container/20 gallon per person per day limit;

(3) Contaminated oil, or oil suspected of contamination, may not be accepted;

(4) Space for insertion, by operator, of the center operating hours and the name and address of the nearest business or governmental entity which accepts contaminated lubricating oil.

(b) The certification sign must be posted in a location easily readable from a public street. The sign may be posted at a location which varies from the provisions of Section 48660(b)(4) of Public Resources Code if requested in writing and approved in writing by the Board.

(c) The certification sign shall not be displayed by any person, company, or other entity not approved for certification by the Board.

(d) The certification sign is the property of the Board and shall be returned to the Board upon surrender, expiration, or cancellation of certification.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18651.1 What if local zoning ordinances prevent posting of the sign provided by the Board?

Where local zoning ordinances do not permit posting of the sign provided by the Board in accordance with Section 18651.0 of this Article, the collection center operator must, request a variance in writing from the Board.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18651.2 What are the required operational procedures for certified used oil collection centers?

(a) Certified used oil collection center operators shall operate in accordance with the laws governing the handling and disposal of used oil (Chapter 6.5, Division 20, Health and Safety Code, and Title 40 of the Code of Federal Regulations, Part 279, and Part 266, Subpart D).

(b) Certified used oil collection centers shall accept used oil from the public at no charge and shall offer to pay any person an amount equal to the recycling incentive the center will receive for the used oil.

(c) Certified used oil collection center operators shall not accept more than twenty (20) gallons of used oil, in containers not larger than five (5) gallons, from a person each day.

(d) Used oil received from the public may be refused if it is contaminated by materials which render the used oil infeasible for recycling.

(e) The collection center shall maintain a Used Oil Receipt Log (Log). The Log shall include:

(1) The following statement located at the top of the form: "I certify that, to the best of my knowledge, the used oil I am delivering contains nothing other than used oil."

(2) An entry for each receipt of used oil. This entry shall include:

- (A) Printed name, address and signed name of patron;
- (B) Date received;
- (C) Quantity of oil received, in gallons or quarts;
- (D) Amount of incentive fee paid, if any;
- (E) Indication of lubricating or industrial oil;
- (F) An indication if the used lubricating oil was:

- (i) Generated by the collection center itself;
- (ii) From out of state (in which case no incentive payment was made);
- (iii) Anonymously donated.

(f) Logs must be available for inspection at the collection center, or other location specified in accordance with Section 18650.7 of this Article, during normal business hours. Logs must contain data for the last three-year period.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660(b), 48660(c), 48660(d), 48670, Public Resources Code.

18651.3 Is there a maximum amount of anonymously donated oil for which I can claim the recycling incentive?

(a) Yes. The percentage of anonymously donated used lubricating oil received by a certified used oil collection center must not exceed ten (10) percent of the total amount received for any quarter.

(b) The Board may refuse to pay the recycling incentive to the certified used oil collection center for the amount of anonymously donated used lubricating oil in excess of ten (10) percent of the total amount received for any quarter.

(c) Should a certified used oil collection center wish to receive payment of the recycling incentive for a quantity of anonymously donated used lubricating oil in excess of ten (10) percent of the total amount received for any quarter, the center shall petition the Board for approval. Such petition shall be a written request describing why the center is entitled to payment. The Board shall notify the center in writing within thirty (30) calendar days of receipt of the petition that it is either:

(1) Approved; or

(2) Denied and the reasons for denial.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660(b), 48660(d), Public Resources Code.

18651.4 How do I calculate the amount of recycling incentive I owe to a person delivering used oil?

(a) To calculate the payment, multiply the total number of quarts received by the value of the recycling incentive set by the Board. Payment to the patron must be based on a determination of the nearest quart.

(b) A certified used oil collection center shall have available at all times a graduated container capable of accurately measuring, in one quart increments, and safely transferring, five liquid gallons. The graduated container shall be used for measurement if the amount of oil brought in by the public is in question by either the patron or the collection center staff.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18651.6 As an operator of a used oil collection program, must I enforce the 20 gallon per person per day (gpd) limit required by Public Resources Code Section 48660(c)?

(a) Yes. Certified used oil collection centers shall enforce the 20 gpd limit by requiring patrons to sign their name in the collection center Used Oil Receipt Log prior to acceptance of any used lubricating oil, as required by Section 18651.2(e) of this Article. Collection center personnel must verify compliance with the 20 gpd limit by checking the Log prior to accepting the used oil.

(b) The Board cannot pay the recycling incentive to a certified collection center for payments made to a patron for used lubricating oil received in excess of the twenty (20) gallon per day limit.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660(c), Public Resources Code.

18651.7 As a certified used oil collection center, how can I determine if used oil is contaminated in excess of that which would occur through normal use?

In order to determine contamination in excess of that which would occur through normal use, a certified collection center may test used oil received from the public for halogenated compounds, and may conduct verbal and/or visual screening.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660(c), 48660.5(a), 48660.5(b)(1), Public Resources Code.

18651.8 Under what conditions will a contaminated used oil shipment be eligible for reimbursement of disposal costs, pursuant to Section 48660.5 of the Public Resources Code?

(a) A shipment meeting both of the following conditions will qualify for reimbursement:

(1) Used oil which meets the criteria of Public Resources Code Section 48660.5; and,

(2) Used oil which has been properly disposed of and issued a receipt of disposal. Disposal, for the purpose of this

Section, means incinerating, burying, or otherwise processing contaminated used oil for purposes of elimination which result in a higher cost than the cost to recycle non-contaminated used oil.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660.5(a), 48660(c), Public Resources Code.

18651.9 What constitutes one shipment in regards to reimbursement of disposal costs, pursuant to Section 48660.5 of the Public Resources Code?

A shipment may not exceed the capacity of the storage tank normally used by the certified collection center to contain used lubricating oil received from the public.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660.5(c), Public Resources Code.

18652.0 How do I apply for reimbursement of additional disposal costs pursuant to Public Resources Code Section 48660.5?

(a) An application must include:

(1) The collection center name, its location, and its Board identification number;

(2) The hazardous waste generator identification number (ID Number) assigned by either the California Department of Toxic Substances Control or the U.S. EPA;

(3) Quantity of shipment for which reimbursement is sought, in gallons;

(4) Source, type, and level of contamination (if known);

(5) Registered hazardous waste hauler (pursuant to Article 6.5, Chapter 6.5, Division 20, Health and Safety Code), name, ID Number, and actual total disposal cost;

(6) A statement signed by the applicant(s) as described below, under penalty of perjury. The signature block shall contain an affidavit stating the following: "I certify under penalty of perjury that the information contained in this application is true and correct to the best of my knowledge.";

(7) Signature of collection center supervisor.

(b) Applicant must also submit:

(1) A copy of invoice or receipt from a used oil hauler indicating:

(A) The Uniform Hazardous Waste Manifest number for the shipment;

(B) Amount of actual total disposal cost minus the amount normally charged to pick-up the same amount of uncontaminated oil;

(2) Copy of the Uniform Hazardous Waste Manifest from the used oil hauler;

(3) Copy of established certified used oil collection center procedures for preventing contamination of oil with hazardous waste.

(c) In any calendar year, a certified used oil collection center shall be reimbursed for not more than one shipment of contaminated used oil and for not more than five thousand dollars (\$5,000) in disposal costs, subject to the availability of funds pursuant to Public Resources Code Section 48656.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660.5, Public Resources Code.

18652.1 Must certified collection centers maintain written procedures to prevent the acceptance of contaminated used lubricating oil?

(a) Yes. Established procedures for preventing the acceptance of contaminated used lubricating oil must be in writing and available to Board staff, collection center personnel, and the public during normal business hours.

(b) Procedures may include:

(1) Posted signs which list unacceptable contaminants;

(2) A list of questions to ask patrons regarding contaminants;

(3) A description of tests of used oil for the presence of contaminants.

(A) Olfactory testing ("nose test") should not be utilized as a test method.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, 48660.5, Public Resources Code.

Article 6.1 Registration Requirements for Industrial Generators, Operators of Curbside Collection Programs, and Electric Utilities

18653.0 Scope and Applicability.

In addition to the general requirements of this Chapter, industrial generators, operators of curbside collection programs, and electric utilities wishing to claim the used oil recycling incentive must comply with the provisions of this Article.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651(a), Public Resources Code.

18653.1 Purpose.

The Board requires registration of all industrial generators, operators of curbside collection programs, and electric utilities to facilitate the payment of recycling incentives.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651(a), Public Resources Code.

18653.2 As an industrial generator, operator of curbside collection program, or electric utility, how do I register to receive payment of recycling incentives?

(a) To register to receive payment of the recycling incentive, a separate, complete application must be submitted to the Board by each industrial generator, operator of a curbside collection program, or electric utility.

(b) The filing period for applications is continuous.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651(a), Public Resources Code.

18653.3 What information am I required to provide in the application for registration?

(a) To be considered complete, applications for registration shall contain the following information:

(1) A request for either initial registration, or for a change in registration.

(A) If the application is for a change in registration, it shall include only that information which has changed since the last application for registration was submitted to the Board.

(2) The type of organization which the generator or program represents.

(A) If the organization is an individual business doing or proposing to do business under a different name, the applicant shall provide a copy of the fictitious business name statement.

(B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement.

(C) If the organization is a corporation, the applicant shall provide the corporate number and Articles of Incorporation as filed with the Secretary of State, the name and position of all current corporate officers, and the agent for service of process. If a corporation applies to register more than once, it may submit a copy of the Articles of Incorporation with the first application submitted and reference said application in all subsequent registration application submittals.

(i) If the operation is a for-profit corporation from a state other than California, a copy of the approved certificate from the California Secretary of State qualifying and authorizing the corporation to transact business in California.

(D) If the organization is a husband and wife co-ownership, the application shall contain both names.

(E) If the organization is a local government agency, the applicant shall provide a copy of the authorizing resolution from the governing board.

(F) If the operation is a private, nonprofit program, the applicant shall submit verification of nonprofit status. A copy of the following will constitute verification:

(1) Letter from the Federal Internal Revenue Service confirming tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code; and

(2) Letter from the State of California Franchise Tax Board confirming tax exempt status pursuant to Section 23701(d) of the Revenue and Taxation Code; and

(3) Articles of Incorporation filed with the Secretary of State.

(3) The federal identification number (employer ID number) of the organization.

(4) If the organization is an industrial generator or an electric utility, a description of the physical location of the facility in relation to the nearest cross street.

(5) If an industrial generator or an electric utility, the name, street and mailing address, and phone number of the operation.

(6) If an electric utility, the Public Utilities Commission identification number, if applicable.

(7) If a curbside collection program, the name, street and mailing address, and phone number of the offices of the program operator.

(8) If the organization is a curbside collection program, the actual days of collection and a description of other materials collected.

(9) If applicable, the hazardous waste generator identification number assigned by either the Department of Toxic Substances Control or the U.S. EPA.

(10) If an industrial generator, description of the type of business conducted.

(11) Any other information the Board determines is necessary to aid in a finding that the organization is eligible for payment of recycling incentives pursuant to Public Resources Code Section 48651.

(b) The application shall be signed by the applicant(s) as described below, under penalty of perjury. The signature block shall contain an affidavit stating the following: "I certify under penalty of perjury that the information contained in this application is true and correct to the best of my knowledge and I agree to operate in compliance with the requirements of the California Oil Recycling Enhancement Act, and with all related regulatory provisions."

(1) If the operator is a partnership, the application shall be signed by each partner.

(2) If the operator is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual with authority to legally bind the entity to a contract.

(3) If the operator is a husband and wife co-ownership, the application shall be signed by both the husband and wife.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651(a), Public Resources Code.

18653.4 What will the Board do with the application for registration once it is submitted for review?

(a) The Board will issue an identification number to all industrial generators, operators of curbside collection programs, and electric utilities upon receipt of the application for registration.

(b) All applications for registration will be reviewed by the Board for compliance with these regulations and with the Act.

(c) The Board will periodically conduct field investigations to verify the ongoing accuracy of information contained in the registration application.

(d) The Board will notify the applicant in writing within ten (10) working days of receipt of the application that it is either:

(1) Complete and correct and accepted for further review; or

(2) Incomplete and rejected and the reasons for rejection.

(e) Upon determining that an application is complete and correct, the Board shall notify the applicant in writing within forty-five (45) calendar days that registration is either:

(1) Granted; or

(2) Denied and the reasons for denial.

(f) Reasons for denial of registration may include, but will not be limited to, any of the following:

(1) Failure to provide information or documentation to complete the application as stipulated in Section 18653.3 of this Chapter;

(2) The applicants registration history demonstrates a pattern of operation in conflict with the requirements of the Act, including all relevant regulations adopted herein;

(3) The applicant's registration history demonstrates outstanding fines, penalties, or unresolved audit findings.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651(a), Public Resources Code.

18653.5 As an industrial generator, operator of a used oil collection program, or an electric utility, may I withdraw an application for registration?

Yes. An applicant may withdraw an application from review by the Board. Such withdrawal shall be requested in writing and submitted to the Board. A withdrawal of application does not prohibit an industrial generator, an operator of a curbside collection program, or an electric utility from reapplying at a later date.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651(a), Public Resources Code.

18653.6 As an industrial generator, an operator of a curbside collection program, or an electric utility which has already registered, might there ever be an occasion when I will need to submit a new application?

(a) Yes. Should there be a change in any of the information included in the most recent registration application submitted to the Board you are required to submit a new application.

(b) A new application shall be submitted at least sixty (60) calendar days prior to implementing the changes in part (a) above to avoid any lapse in incentive payments.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651(a), Public Resources Code.

Article 6.2 Formulas for Calculating Used Oil Recycling Rates

18654. How does the Board calculate used oil recycling rates?

(a) The formulas for calculating the recycling rate for lubricating oil is as follows:

$$\frac{(\text{Gallons of Lubricating Oil Recycled})}{(\text{Gallons of Lubricating Oil Sold})(.60)}$$

(b) The formula for calculating the recycling rate for industrial oil is as follows:

$$\frac{(\text{Gallons of Industrial Oil Recycled})}{(\text{Gallons of Industrial Oil Sold})(.52)}$$

(c) The formula for calculating the recycling rate for combined oil (lubricating and industrial) is as follows:

$$\frac{(\text{Gallons of Lubricating and Industrial Oil Recycled})}{(\text{Gallons of Lubricating Oil Sold})(.60) + (\text{Gallons of Industrial Oil Sold})(.52)}$$

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48631(c) and (d), and 48676, Public Resources Code.

Article 7 Recycling Incentive Payments

18655.1 Who can receive recycling incentive payments?

Used oil collection centers certified pursuant to Article 6 of this Chapter, and industrial generators, curbside collection programs, and electric utilities registered pursuant to Article 6.1 of this Chapter are eligible to receive recycling incentive payments.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), Public Resources Code.

18655.2 On what used oil can a recycling incentive be paid?

(a) For industrial generators, certified used oil collection centers, and curbside programs, all lubricating oil sold or transferred in this state or imported into this state after October 1, 1992, for which a \$0.04 per quart or \$0.16 per gallon fee was paid to the State of California and, after use, was transported on or after January 1, 1993, by a used oil hauler to a certified used oil recycling facility, or to an out-of-state facility registered with the U.S. EPA and in compliance with the regulations of the state in which the facility is located, is eligible for payment of a recycling incentive.

(b) For electric utilities, all lubricating oil sold or transferred in this state or imported into this state after October 1, 1992, for which a \$0.04 per quart or \$0.16 per gallon fee was paid to the State of California and, after use, was used to generate electricity on or after April 1, 1993, is eligible for payment of a recycling incentive. Electric utilities may only claim recycling incentive payments for lubricating oil used in equipment owned by the electric utility.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), Public Resources Code.

18655.3 When can an incentive claim be submitted?

No more than three incentive claims per quarter shall be submitted to the Board. Claims may not be submitted prior to April 1, 1993. The last claim for a quarter must be made on or before the last day of the month following that quarter.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), and 48670 Public Resources Code.

18655.4 How long after used oil is hauled away, or used to generate electricity by an electric utility must an incentive claim be submitted?

A claim must be submitted by the last day of the month following the quarter in which the used lubricating oil was transported by a used oil hauler to a used oil recycling facility, or used to generate electricity by an electric utility.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), Public Resources Code.

18655.5 How do incentive claims relate to quarterly reports, as described in the Public Resource Code Section 48670?

(a) Incentive claims satisfy the quarterly report requirements.

(b) Industrial generators, curbside collection programs, electric utilities, and certified used oil collection centers must submit an incentive claim/report on or before the last day of the month following each quarter in which used lubricating oil was:

(1) Transported by a used oil hauler to a certified used oil recycling facility;

(2) Transported by a used oil hauler to an out-of-state facility registered with the U.S. EPA and in compliance with the regulations of the state in which the facility is located; or

(3) Used by an electric utility to generate electricity.

(c) No more than three incentive claims/reports will be accepted for each quarter.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), and 48670, Public Resources Code.

18655.6 What must be submitted with an incentive claim?

Incentive claims submitted by industrial generators, curbside collection programs, certified used oil collection centers and electric utilities must:

(a) Be accurate, complete, and typed or legibly handwritten in English; and

(b) Contain all of the following information:

(1) Full name, address, and telephone number of the person preparing the incentive claim/report; and

(2) Full name and telephone number of a contact person for purposes of the report; and

(3) The signature and title of the representative of the entity authorized to prepare the report. The signature block shall contain an affidavit stating the following: "I certify under penalty of perjury that the information contained in this application is true and correct to the best of my knowledge."; and

(4) The amount of lubricating oil purchased in the quarter or since the last incentive claim/report was submitted. Specify if no lubricating oil was purchased;

(5) If lubricating oil was purchased, copies of the purchase receipts, invoices, or other documentation showing payment of the \$0.04 per quart or \$0.16 per gallon lubricating oil recycling fee to a vendor or the State of California;

(6) The amount of used lubricating oil transported to a certified used oil recycling facility or to an out-of-state facility registered with the U.S. EPA and in compliance with the regulations of the state in which the facility is located for the period since the previous claim;

(7) Copies of manifests or modified manifest receipts from used oil haulers for the amount of used lubricating oil for which a claim is being made;

(8) Electric utilities shall include the amount of lubricating oil used to generate electricity pursuant to Public Resources Code Section 48651 (b) for the period since the previous claim; and

(9) The total monetary amount being claimed.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b) and 48670, Public Resources Code.

18655.7 Where are incentive claims submitted?

Incentive Claims and Quarterly Reports shall be delivered to the Board's main business office, to the attention of the Accounting Section. The outside of the package containing the claims must be clearly marked: "Used Oil Recycling Incentive Claim Enclosed."

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), and 48670, Public Resources Code.

18655.8 What records must I keep to support an incentive claim?

(a) Certified used oil collection centers must:

(1) If applicable, retain copies of purchasing receipts for all lubricating oil purchased that denote a fee of \$0.04 per quart or \$0.16 per gallon was paid to the State of California or a vendor; and

(2) Retain copies of manifests or modified manifest receipts from used oil haulers to support an incentive payment claim; and

(3) Maintain a log consistent with Section 18651.4 of this Chapter.

(b) Curbside collection programs must:

(1) If applicable, retain copies of purchasing receipts for all lubricating oil purchased that denote a fee of \$0.04 per quart or \$0.16 per gallon was paid to the State of California or a vendor; and

(2) Retain copies of manifests or modified manifest receipts from used oil haulers to support an incentive payment claim.

(c) Electric utilities must:

(1) Retain copies of purchasing receipts for all lubricating oil purchased that denote a fee of \$0.04 per quart or \$0.16 per gallon was paid to the State of California or to a vendor; and

(2) Maintain a log documenting:

(A) The date that used lubricating oil from utility-owned equipment was used to generate electricity; and

(B) The amount, in gallons, of used lubricating oil from utility-owned equipment that was used to generate electricity.

(d) Industrial generators:

(1) Must retain copies of purchase receipts for any lubricating oil purchased that specify a fee of \$0.04 per quart or \$0.16 per gallon was paid to the State of California, or to the distributor; and

(2) Must retain copies of manifests or modified manifest receipts from used oil haulers; and

(3) Must retain all vouchers issued by the Board verifying refunds of fees paid by the Board for lubricating oil that was ultimately used for a use exempt from payment pursuant to Section 48650 of the Public Resources Code; and

(4) Must maintain a verifiable on-site log documenting the amount of lubricating and industrial oil combined for transport to recycling facilities if lubricating and industrial oil is stored in the same storage vessel. The log must include:

(A) Name of employee depositing used oil for storage;

(B) Date and time of oil deposit;

(C) The type of used oil being deposited for storage, either lubricating or industrial; and

(D) The approximate amount deposited for storage, in quarts or gallons.

Note: Authority Cited: Sections 40502 and 48670, Public Resources Code. Reference: Sections 48651 (a) and (b), and 48670, Public Resources Code.

18655.9 What happens if my incentive claim is rejected?

The Board will notify the claimant within thirty (30) calendar days if an incentive claim is rejected and include the reasons for rejection. The claimant may resubmit a revised claim. If the Board denies payment of an incentive claim, the claimant may request a hearing.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48660 and 48680, Public Resources Code.

Article 8 General Provisions for Used Oil Recycling Grants

Section 18658.0 Scope and Applicability.

The regulations contained in this Chapter pertain to grants from the California Used Oil Recycling Fund (Fund) to local agencies for the implementation of used oil collection programs.

Note: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48613, 48690 and 48691, Public Resources Code.

Section 18658.1 Programs Eligible for Funding.

(a) Used oil collection programs eligible for funding from the Fund, shall provide for activities relating to the implementation of new used oil collection programs, or the enhancement of current programs. These programs shall meet one or both of the following criteria:

(1) Ensure that at least one certified used oil collection center is available for every 100,000 residents not served by curbside used oil collection. The center shall accept used oil from the public at no charge. The center shall be open at least four days a week for a total of 20 hours of which three hours each week are outside the weekday hours of 8 a.m. through 5:30 p.m.

(2) Provide curbside collection at least once a month.

(b) Programs eligible for funding from the Fund shall include a public education program to inform the public of locally available used oil recycling opportunities.

(c) A local agency may implement its used oil collection program in conjunction with other similar programs in order to improve used oil recycling efficiency.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48613 and 48691, Public Resources Code.

Section 18658.2 Grant Application Process.

(a) To apply for a block grant, an applicant must comply with the following:

(1) A local agency with an eligible program shall submit the documents specified in Section 18659.1 of this Chapter in order to apply for a grant award.

(2) An original and three (3) copies of the documents required shall be submitted to the California Integrated Waste Management Board, at its principal place of business in care of the Household Hazardous Waste Section. All materials submitted will become the property of the Board and will be retained for a minimum of three years.

(3) The required application documents must be received by the Board on or before the close of the application period specified in Section 18658.3 of this Chapter.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48653 and 48657 Public Resources Code.

Section 18658.3 Grant Application Period.

Grant applications will be accepted beginning on the first business day of May until the end of the workday on the last business day of June. Applications received after the last business day in June will be returned to the applicants.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48653 and 48691, Public Resources Code.

Article 8.1 Local Government Block Grants

Section 18659.0 Grant Amount.

(a) As specified in Section 48653 of the Public Resources Code, grants will be given for the implementation of local used oil collection programs to cities, based on the city's population, and counties, based on the population of the unincorporated area of the county. Grants to regional programs will be based on the combined population of each city or unincorporated area which is a participant in the regional program.

(b) A local agency shall receive no more than one grant per year from the Fund. Local agencies can pool grant funds to implement regional used oil collection programs.

(c) All population statistics will be obtained through the most current annually revised Department of Finance Report on Population Estimates for California Cities and Counties, which is hereby incorporated by reference.

(d) The population of the unincorporated area in each county and population of each city will be used as a base number to determine the awarded grant amount. The Board will calculate the grant amount each applicant will receive.

(e) To determine the grant amount available to a local agency, the following formula will be used:

(1) Divide A, the total amount in the block grant account, by B, the population of the state, to calculate C, the fraction or per capita value.

$$A / B = C$$

(2) Multiply C, the per capita value, by D, the population of the local agency, to calculate E, the maximum grant amount the local agency is eligible to receive.

$$C \times D = E$$

NOTE: Authority cited: Sections 48641, 48653, and 48690, Public Resources Code. Reference: Section 48613, Public Resources Code.

Section 18659.1 Contents of the Grant Application.

(a) A local agency which is eligible for a grant award, pursuant to Section 18658.1 of this Chapter, shall submit to the Board a

grant application. The grant application shall include, but not be limited to all of the following:

(1) An Application Cover Sheet, provided by the Board as CIWMB Form 306 (9/92), which is herein incorporated by reference.

(2) A Program Report, which shall include:

(A) A description of the used oil collection program and the problem that the program is addressing;

(B) An explanation of the program's goals or objectives;

(C) Identification of the tasks necessary to complete the proposed program and an implementation schedule for the proposed tasks;

(D) If applicable, the geographic area to be serviced by a used oil curbside collection program;

(E) The local agency's population and the population served by the local agency's used oil collection program;

(F) The operation plan which describes how the program will be conducted. This may include, but is not limited to, hours of operation; frequency of pickup for a curbside collection program; days of operation for a used oil collection center; type of equipment or facilities used; and method of used oil storage and disposal;

(G) A description of the proposed public education program to inform the public of locally available used oil recycling opportunities;

(H) A description of funding sources other than the grant from the Fund, which will be used for the program; and

(I) Description of cooperative efforts between local government agencies and interested citizen associations and groups, if any, regarding implementation of the program.

(3) A Budget Report consisting of the itemized costs of the program. This shall include, but is not limited to, the cost of staffing, used oil contractor fees, the cost of

public education, public awareness and/or advertising costs, and any purchases of equipment or materials. The budget report shall also contain the source(s) of funding, fees collected, as well as the total cost of all used oil collection programs for which the request for a grant is being made.

(4) An approved resolution from each applicant's governing body authorizing submittal of the application and identifying the individual authorized to execute any agreements and contracts to carry out the program.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48613, 48690 and 48691, Public Resources Code.

Section 18659.2 Review of Grant Application.

(a) Board staff shall review an application for a grant to verify that it is complete and satisfies the criteria contained within Section 18659.1 of this Chapter.

(b) Board staff may request additional information related to the grant application required pursuant to Section 18659.1 of this Chapter if the application is incomplete. The applicant will have a minimum of 10 (ten) working days, or an additional time period specified by the Board, to submit the requested information to the Board or will be disqualified from consideration for a grant.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48690 and 48691, Public Resources Code.

Section 18659.3 Terms and Conditions of a Grant Agreement.

(a) The grant recipient and the Board shall enter into a written grant agreement which contains a description of the program, as approved, and which identifies and ensures compliance with the terms and conditions specified in this Section.

(b) The grant recipient shall obtain prior written approval from the Board, or its designated representative, for any changes to the grant agreement. All requests shall include a description of the proposed change(s) and the reason(s) for the change(s).

(c) The grant recipient shall submit an annual report to the Board, for the term of the grant agreement, on or before January 1 following receipt of the grant. The report shall include any amendments ~~program~~ local used oil collection a

description of the implementation of the program and the extent to which the program was successful in addressing the problem of illegal disposal of used oil; and a description of how the block grant for the previous year was expended if applicable. The report shall also include the following information:

(1) A description of the used oil collection center program and/or curbside collection program;

(2) An account of the number of participants in the program;

(3) The amount of used oil collected as a result of the used oil collection center or curbside collection program(s), whichever is applicable;

(4) A description of the public education efforts; and

(5) A description of measures taken by the local agency to continue the program.

(d) Grant recipients shall comply with all applicable federal, state and local laws, ordinances, regulations and permits. The recipient shall maintain certification of the used oil collection center(s) pursuant to Section 48660 of the Public Resources Code.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Section 48690, Public Resources Code.

Section 18659.4 Payment of Grant Funds.

Block grant recipients will be awarded grant funds by September of each grant year.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Section 48690, Public Resources Code.

Section 18659.5 Auditing.

(a) The Board, the State Controller's Office, and the State Auditor General's Office, or their designated representatives, shall have an absolute right of access to all of the grant recipient's records pertaining to a California Used Oil Recycling Block Grant.

(b) All local agencies receiving block grants from the Fund shall maintain an accounting system which utilizes generally accepted accounting principles and practices. In addition to accounting records, all source documents associated with the accounting records shall be maintained. Source documents

include, but are not limited to, bid summaries, contracts with the grant recipient, change orders showing approval by a city or county engineer, purchase orders, invoices, paid warrants, time sheets, labor distribution reports and payroll registers.

(c) The accounting records and pertinent documents shall be retained by the grant recipient for at least three (3) years after expiration of the grant agreement, or until the completion of a Board action and/or resolution of issues which may arise as a result of any litigation, claim negotiation or audit.

(d) If an audit reveals that grant funds have been distributed for a program which has either not met the criteria of Section 18658.1 of this Chapter, and/or has not spent grant funds in accordance with the grant agreement, the grant recipient shall repay the money received, plus interest, at the rate the State would have earned on this money had it remained in the Fund. Such forfeitures shall revert to the Fund.

(e) The Board may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined by the Board that the recipient has failed to comply with the terms or conditions of the grant agreement. The Board shall notify the recipient within five (5) working days, in writing, of the determination, the reasons for termination of the grant, and the effective date of termination.

NOTE: Authority cited: Section 48641, Public Resources Code:
Reference: Sections 48613, 48674, 48690 and 48691,
Public Resources Code.

For Agency Use Only
File # _____
Eligible _____

State of California

California Integrated Waste Management Board

APPLICATION COVER SHEET - USED OIL RECYCLING BLOCK GRANT

CIWMB-306 (9/92)

Name of Applicant: _____

Address: _____

City: _____

Zip: _____

Name of Program Director: _____

Title: _____

Phone: _____

Name of Finance Officer: _____

Title: _____

Phone: _____

Name of Program Manager: _____

Title: _____

Phone: _____

Type of Program: _____

Total Grant Request: _____

Certification:

I assume the responsibility to ensure compliance with all state and local environmental requirements and all related codes, laws, regulations, and guidelines prior to the expenditure of the grant funds.

I further declare under penalty of perjury that all information submitted for the Board's consideration for allocation of grant funds is true and accurate to the best of my knowledge and belief.

Name of Authorized Person: _____

Signature: _____

Title: _____

Phone: _____

Date: _____

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, California 95826



Michael Frost, Chairman
Wesley Chesbro, Vice Chairman
Sam Egigian, Board Member
Jesse Huff, Board Member
Kathy Neal, Board Member
Paul Relis, Board Member

Wednesday, December 16, 1992
Meeting of the

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**REGULAR MONTHLY BUSINESS MEETING**

Wednesday, December 16, 1992
10:00 a.m.

8800 Cal Center Drive
Sacramento, CA 95826

AGENDA

- Note:
- o Agenda items may be taken out of order.
 - o Persons interested in addressing the Board must fill out a speaker request form and present it to the Board's Administrative Assistant on the date of the meeting.
 - o If written comments are submitted, please provide 20 two-sided copies.

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is first considered.

To comply with legal requirements, this Notice and Agenda may be published and mailed prior to a Committee Meeting where determinations are made regarding which items go to the Board for action. Some of the items listed below, therefore, may, upon recommendation of a Committee, be pulled from consideration by the full Board.

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C = Consent (Partial List)

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on December 18, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Board Officers and Committees

Board Chair - Michael R. Frost
Vice Chair - Wesley Chesbro
Executive Director - Ralph E. Chandler

Administration Committee

Chair - Michael R. Frost
Wesley Chesbro.
Jesse R. Huff

Integrated Waste Management Planning Committee

Chair - Wesley Chesbro
Kathy Neal
Paul Relis

Policy, Research and Technical Assistance Committee

Chair - Sam A. Egigian
Michael R. Frost
Jesse R. Huff

Permitting and Enforcement Committee

Chair - Jesse R. Huff
Sam A. Egigian
Paul Relis

Market Development Committee

Chair - Paul Relis
Wesley Chesbro
Jesse R. Huff

Legislation and Public Affairs Committee

Chair - Kathy Neal
Wesley Chesbro
Michael R. Frost

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92 -151

WHEREAS, The California Integrated Waste Management Board (hereinafter referred to as the "Board") elects its Chair, Vice Chair, and Committee Chairs from among its Members pursuant to Public Resources Code Sections 40405, 40407, and 40500, and;

WHEREAS, the Board has created the Administration Committee, the Integrated Waste Management Planning Committee, the Policy, Research and Technical Assistance Committee, the Permitting and Enforcement Committee, the Market Development Committee, and the Legislation and Public Affairs Committee;

NOW, THEREFORE BE IT RESOLVED, that the Board elects Michael R. Frost as Chairman;

BE IT FURTHER RESOLVED, that the Board elects Wesley Chesbro as Vice Chairman;

BE IT FURTHER RESOLVED, that the Board continues the aforementioned committees in existence and elects the following Chairpersons and assigns the members of those committees:

Michael R. Frost, Chair

Administration Committee
Members: Wesley Chesbro
Jesse R. Huff

Wesley Chesbro, Chair

Integrated Waste Management
Planning Committee
Members: Kathy Neal
Paul Relis

Sam A. Egigian, Chair

Policy, Research and Technical
Assistance Committee
Members: Jesse R. Huff
Michael R. Frost

Jesse R. Huff, Chair

Permitting and Enforcement
Committee
Members: Sam A. Egigian
Paul Relis

Paul Relis, Chair

Market Development Committee
Members: Wesley Chesbro
Jesse R. Huff

Kathy Neal, Chair

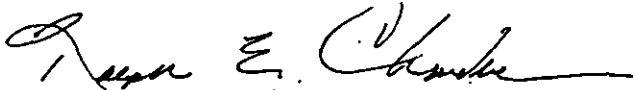
Legislation and Public Affairs
Committee
Members: Michael R. Frost
Wesley Chesbro

BE IT FURTHER RESOLVED, that the effective date for this election is November 1, 1992, and that the Board Chair, Vice Chair, and Committee Chairs shall serve until further action by the Board.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held September 30, 1992.

Dated:

A handwritten signature in cursive script, appearing to read "Ralph E. Chandler".

Ralph E. Chandler
Executive Director

- | | | | |
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C = Consent (Partial List)

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Notice: The Board may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126 (a) and (q), respectively.

For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Cathy Foreman
(916) 255-2156

C = Consent (Partial List)

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 3

ITEM: Consideration of Contracts and Interagency Agreements

BACKGROUND:

Staff is requesting that the Board consider award of an Interagency Agreement with California Environmental Protection Agency for loan of department personnel. This requirement is part of the Supplemental Report of 1992 Budget Act. The Supplemental Report requires any agency loaning an employee to the California Environmental Protection Agency for more than 60 days to enter into an Interagency Agreement for this purpose.

ANALYSIS:

This Interagency Agreement will cover the loan of Christopher Peck from July 1, 1992 to November 30, 1992. It will also cover the loan of an employee, on a rotational basis after the first of the year, from the Permitting and Enforcement branch.

Attachments: 1. Interagency Memorandum of Agreement

Prepared by : Connie Dunn^{CD}
Reviewed by : Bonnie MacDuffee *B.M.*
Reviewed by : Bob Del Agostino *B.D.A.*
Legal Review : *CS*

Phone 255-2242
Phone 255-2710
Phone 255-2269
Date/Time 12-10-92

INTERAGENCY MEMORANDUM OF AGREEMENT

1. California Integrated Waste Management Board, hereafter referred to as CIWMB, agrees to the loan of an employee to the California Environmental Protection Agency, hereafter referred to as Cal/EPA, under the following conditions:
2. Christopher Peck will be loaned to Cal/EPA from July 1, 1992 to November 30, 1992, to perform the services described below.
3. During the term of the loan, the participant shall remain an employee of the CIWMB. Cal/EPA will be responsible for providing direct training, day-to-day supervision, and for approving the use of sick leave and vacation. Cal/EPA will forward attendance records monthly to the CIWMB to permit payroll preparation.
4. Representatives for purpose of this agreement are Marie LaVergne for Cal/EPA, and Bonnie MacDuffee for CIWMB.
5. The employee's role and responsibilities during the term of this loan shall be as follows:

Will have a variety of public affairs and public relations responsibilities.

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY

CA INTEGRATED WASTE
MANAGEMENT BOARD

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

INTERAGENCY MEMORANDUM OF AGREEMENT

1. California Integrated Waste Management Board, hereafter referred to as CIWMB, agrees to the loan of an employee to the California Environmental Protection Agency, hereafter referred to as Cal/EPA, under the following conditions:
2. After the first of the year, a Permitting and Enforcement employee will be loaned to Cal/EPA. The loaned employee will be rotated every six months, and will perform the services described below.
3. During the term of the loan, the participant shall remain an employee of the CIWMB. Cal/EPA will be responsible for providing direct training, day-to-day supervision, and for approving the use of sick leave and vacation. Cal/EPA will forward attendance records monthly to the CIWMB to permit payroll preparation.
4. Representatives for purpose of this agreement are Bill Carter for Cal/EPA, and Martha Vazquez for CIWMB.
5. The employee's role and responsibilities during the term of this loan shall be as follows:

Coordinate enforcement initiatives. Assist in resolution of interagency issues and with enforcement coordination group projects or assignments. Coordinate a multi-media approach to various interagency compliance issues.

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY

CA INTEGRATED WASTE
MANAGEMENT BOARD

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 3

ITEM: Consideration of Contracts and Interagency Agreements

BACKGROUND:


Staff is requesting that the Board consider award of an interagency agreement where the concept was approved at the September 30, 1992 Board meeting as part of the \$200,000 for Graphic Services. The contract will be an interagency agreement with Teale Data Center to enhance the Board's Graphic Artist System.

ANALYSIS:

Adoption of Resolution 92-207 by the Board will allow the following interagency agreement to proceed:

Teale Data Center - \$25,000
Graphic Services - Public Affairs

Attachments: 1. Scope of Work
2. Resolution

Prepared by : Connie Dunn^{CD}
Reviewed by : Bonnie MacDuffee ^{BAM}
Reviewed by : Bob Del Agostino ^{BLM}
Legal Review : 

Phone 255-2242
Phone 255-2710
Phone 255-2269
Date/Time 12-4-92

Stephen P. Teale Data Center
Scope of Work
\$25,000

The Teale Data Center shall provide special consulting services relevant to the acquisition, operations, and maintenance of an enhanced Graphic Artist System for the CIWMB's Office of Public Affairs and Education. These services will assist the CIWMB in specifying, acquiring, implementing, and operating highly specialized hardware and software that will allow the Office of Public Affairs and Education to meet the requirements and mandates of Assembly Bill 939 specifying development of statewide information and education programs on integrated waste management.

California Integrated Waste Management Board

Resolution 92-207

December 16, 1992

BE IT RESOLVED that the Board hereby awards the enhancement of the Graphic Artist System interagency agreement to the Teale Data Center. The total amount of this contract will not exceed \$25,000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on December 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 4

ITEM: Consideration of Award of Interagency Agreement with California State University for Used Oil Recycling Graphics

BACKGROUND:


Staff is requesting that the Board consider award of an interagency agreement where the concept was approved at the September 30, 1992 Board meeting. The contract will be an interagency agreement with the California State University, Sacramento for Graphic Services.

ANALYSIS:

Adoption of Resolution 92-205 by the Board will allow the following interagency agreement to proceed:

California State University, Sacramento - \$52,000
Graphic Services - Used Oil Recycling Program

Attachments: 1. Scope of Work
2. Resolution

Prepared by : Connie Dunn^{CD}
Reviewed by : Bonnie MacDuffee ^{3LM}
Reviewed by : Bob Del Agostino
Legal Review : 

Phone 255-2242
Phone 255-2710
Phone 255-2269
Date/Time 12-3-92

SCOPE OF WORK

USED OIL RECYCLING PROGRAM GRAPHICS PACKAGE

CSUS Interagency Agreement
Contract Amount: \$52,000.00

Work Statement

All work to be performed by the Contractor shall be coordinated with, directed, reviewed and approved by the Contract Manager in cooperation with the Board. Any concerns of contractor and/or contract manager will be considered at coordination meetings.

The contractor shall:

- A. Provide visual aids for Used Oil Recycling Branch staff's educational presentations including, but not limited to:

Transparencies
Slides
Video presentations
Flip Charts
Displays

- B. Provide consultative services in preparation of program and informational materials and text to be distributed to industry, local government, and the general public. Examples include, but are not limited to, logo, signs, certificates, applications, claim forms, newsletters, fact sheets, reports, charts, brochures, and miscellaneous forms. Before providing this assistance, CSU shall consult with Branch staff to determine:

Format selection
Layout assistance
Typestyle selection
Graphics development and placement
"Galley," "proof," and/or "camera-ready copy" preparation

California Integrated Waste Management Board

Resolution 92-205

December 16, 1992

BE IT RESOLVED that the Board hereby awards the Graphic Services interagency agreement to the California State University, Sacramento. The total amount of this contract will not exceed \$52,000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on December 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 5

ITEM: Consideration of Award of Interagency Agreement with Department of Finance for Audits of Oil Recycling Enhancement Program

BACKGROUND:


Staff is requesting that the Board consider award of an interagency agreement where the concept was approved at the September 30, 1992 Board meeting. The contract will be an interagency agreement with the Department of Finance for Audits of Oil Recycling Enhancement Program.

ANALYSIS:

Adoption of Resolution 92-201 by the Board will allow the following interagency agreement to proceed:

Department of Finance - \$200,000
Audits of Oil Recycling Enhancement Program

Attachments: 1. Scope of Work
2. Resolution

Prepared by : Susan Villa
Reviewed by : Bonnie MacDuffee
Reviewed by : Bob Del Agostino
Legal Review : 

Phone 255-2245
Phone 255-2710
Phone 255-2269
Date/Time 12-7-92

WORK STATEMENT

Audits of Oil Recycling Enhancement Program

CONTRACT SUMMARY

The California Integrated Waste Management Board (CIWMB) is proposing the contract with the Department of Finance (DOF) to conduct a financial and compliance audit of the Oil Recycling Financing Program (Program.) The CIWMB expects to enter into a contract with DOF by November 12, 1992, with all final reports to be completed by December 31, 1993.

MISSION

The purpose of the audit is twofold: (1) to give an opinion as to the overall presentation and fairness of the financial statements of the Used Oil Recycling Fund (Fund) in accordance with generally accepted accounting principles, and (2) to review compliance with program requirements by the entities making payments to, or receiving payments from the CIWMB (Program Entities.) The financial audit would include reviews of the Fund's Post-Closing Trial Balance and Statements of Operations and Financial Condition and would include recommendations for adjustments for any misstatements identified which would have a material effect on the balances reported by the CIWMB. The compliance portion would focus on the payments, as required by Public Resources Code (PRC) Section 48650, to be made to the CIWMB by oil manufacturers and on the propriety of grants and recycling incentives paid by the board as authorized by PRC Sections 48651-3.

CONTENTS

The audit will consist of two phases with separate reports to be issued for each and will include, at a minimum, the following information:

Part 1 - Audit of Financial Statements

- Review of the internal control structure of the CIWMB applicable to the Program in order to determine areas of risk and to determine where testing of accounts can be limited or should be expanded. Particular emphasis to be placed on receipts into and disbursements from the Used Oil Recycling Fund. Work performed under a separate interagency agreement devoted solely to an internal control review will be referenced and relied on to avoid duplication of effort.
- Analytical procedures applied to account balances to determine areas most likely to be included in the audit. Because this is a new program, there are no

prior years' comparative amounts for analytical purposes.

- Verification of account balances as reported at June 30, 1993 and of a sample of transactions for the entire audit period.
- Discussion of exceptions noted during the course of the validation procedures and recommendations for account adjustments or reclassifications as may be necessary. Actual adjusting entries for audit recommendations remain the responsibility of the CIWMB.
- Report of results of the audit consisting of an opinion as to the fairness of presentation of the Fund's financial statements, the financial statements themselves, and notes pertinent to an understanding of the Fund and its operations.

Part 2 - Audit of Compliance With Program Requirements

- Discussion and determination of selection criteria so as to achieve the broadest coverage of both dollars and Program Entities within the available resources. Program Entities proposed for review will be subject to the review and approval of CIWMB management.
- Development of an audit program to determine the propriety of amounts paid to the CIWMB under PRC Section 48650 and to verify proper payments of grants and incentives.
- Site visits to determine the accuracy and timeliness of payments to the Fund by manufacturers and sellers of oil.
- Discussion of findings of the reviews of Program Entities with CIWMB management on an interim basis, as individual entities are completed, and in an exit conference upon completion of all reviews of Program Entities. Findings will be based on amounts found to have been underpaid or paid in error to the CIWMB, or in amounts not earned or earned in excess of amounts paid for grant incentives.
- Reports of the results of each site visit or review of Program Entity with recommendations for collections or refunds of payments by manufacturers or sellers of oil, or for additional payments to or recoupment from grantees or incentive claimants. Each report will include a schedule itemizing amounts leading to recommendations. A summary of compliance issues will also be developed for the program as a whole.

California Integrated Waste Management Board

Resolution 92-201

December 16, 1992

BE IT RESOLVED that the Board hereby awards the Audits of Oil Recycling Enhancement Program interagency agreement to the Department of Finance. The total amount of this contract will not exceed \$200,000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on December 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 6

ITEM: Consideration of Award of Interagency Agreement with California State University, Sacramento for Graphic Services

BACKGROUND:


Staff is requesting that the Board consider award of an interagency agreement where the concept was approved at the September 30, 1992 Board meeting. The contract will be an interagency agreement with the California State University, Sacramento for Graphic Services.

ANALYSIS:

Adoption of Resolution 92-202 by the Board will allow the following interagency agreement to proceed:

California State University, Sacramento - \$175,000
Graphic Services - Public Affairs

Attachments: 1. Scope of Work
2. Resolution

Prepared by : Connie Dunn^{CD}
Reviewed by : Bonnie MacDuffee ^{BLH}
Reviewed by : Bob Del Agostino ^{BLM}
Legal Review : 

Phone 255-2242
Phone 255-2710
Phone 255-2269
Date/Time 12-4-92

CSU Interagency Agreement
Scope of Work
\$175,000

The Trustees of The California State University shall provide graphic and audio-visual services to the CIWMB on an as-needed basis. CSU will provide the following services, including but not limited to:

- 1) visual aids for the Board's educational, outreach, and technical assistance activities including, but not limited to:

- transparencies
- slides
- video presentations
- flip charts
- displays

- 2) consultative services in preparation of informational materials and text to be distributed to industry and the general public. Examples include forms, newsletters, fact sheets, reports, charts, maps, brochures. Before providing this assistance, CSU shall consult with CIWMB to determine:

- format selection
- layout assistance
- typestyle selection
- graphics development and placement
- "galley," "proof," and/or "camera-ready copy" preparation

- 3) teleconferencing facilities and consultative services.

CSU also shall provide requested services to include, but not be limited to, educational services, consulting services, research services, and student assistant/internship services. In connection with each specific service request, and prior to the initiation of the requested service, CIWMB and CSU shall develop a mutually acceptable Memorandum of Understanding describing in detail the services to be performed.

California Integrated Waste Management Board

Resolution 92-202

December 16, 1992

BE IT RESOLVED that the Board hereby awards the Graphic Services interagency agreement to the California State University, Sacramento. The total amount of this contract will not exceed \$175,000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on December 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 7

ITEM: Consideration of Award of Interagency Agreement with Department of Finance for Waste-to-Energy Economic Analysis

BACKGROUND:

Staff is requesting that the Board consider award of an interagency agreement where the concept was approved at the September 30, 1992 Board meeting. The contract will be an interagency agreement with the Department of Finance for Waste-to-Energy Economic Analysis.

ANALYSIS:

Adoption of Resolution 92-203 by the Board will allow the following interagency agreement to proceed:

Department of Finance - \$100,000
Waste-to-Energy Economic Analysis

Attachments: 1. Scope of Work
2. Resolution

Prepared by : Susan Villa *SV*
Reviewed by : Bonnie MacDuffee *BLM*
Reviewed by : Bob Del Agostino *md*
Legal Review : *[Signature]*

Phone 255-2245
Phone 255-2710
Phone 255-2269
Date/Time 12-7-92

EXHIBIT A

Program Evaluation Unit

Project Scope
2 H 240 AR

Waste-to-Energy Economic Analysis
for the
California Integrated Waste Management Board

PURPOSE

To assist the California Integrated Waste Management Board to assess the economics of "waste-to-energy" (WTE) technologies (both mass-burn and refuse derived fuel) as part of the Board's hierarchy of diverting waste materials after 1995; and, to examine the current status of WTE economics, the energy rate forecasts, waste recycling and disposal costs, environmental regulations, and siting issues, particularly with respect to rural communities.

BACKGROUND

After 1995, a portion of waste diversion requirements may be met through transformation; i.e., converting waste to energy. The California Integrated Waste Management Board is requesting assistance in evaluating economic and siting issues to determine what contribution waste-to-energy activities could make to waste diversion.

ISSUES

1. What California Energy Commission and Public Utilities Commission long-range energy forecast issues impact waste-to-energy activities? How are they expected to vary over time?
2. What is the existing recycled-materials processing capacity? What is the market availability and associated costs of the processes and how do they compare to WTE? What are the projected markets for recycled materials and how will any variation effect WTE? How do the costs of WTE compare with recycling and landfilling?
3. To what extent do WTE technologies assist the Board in achieving its hierarchy of diverting waste materials?
4. What siting and environmental regulations impact WTE technologies?
5. Assess the joint product outcomes of both efficient energy production and waste diversion.

ASSESSMENT

Department of Finance will analyze the above issues under different projections for energy rates, recycled materials economics, and waste diversion levels (25% and 50%). Board staff will provide input on siting and environmental regulations. Department of Finance staff will meet bi-monthly with Board staff starting in January to discuss progress on report.

REPORT

Department of Finance shall prepare a written report on its assessment. DOF shall submit drafts of the chapters on each issue as completed for Board review. A first draft of the report in its entirety shall be submitted by July 1, 1993. The final report shall be submitted by September 1, 1993. Up to a total of 3 revisions will be covered by the terms of this contract.

BILLING

Department of Finance shall submit detailed invoices upon Board acceptance of the report.

California Integrated Waste Management Board

Resolution 92-203

December 16, 1992

BE IT RESOLVED that the Board hereby awards the Waste-to-Energy Economic Analysis interagency agreement to the Department of Finance. The total amount of this contract will not exceed \$100,000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on December 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 8

ITEM: Consideration of Agreement with the County of Orange/Argonne National Laboratory

BACKGROUND:

The scope of work for the Landfill Gas Research study which includes: A) Methane Balance Technique for Evaluation of Landfill Gas Migration Control System, and B) Effect of Probe Design and Sampling Practices on Observed Soil Gas Concentrations was heard by the Board at its April 1992 Board meeting. It was intended that the work be performed by Argonne National Laboratory (ANL), who is under contract with the U.S. Department of Energy (DOE). However, when staff started negotiating the terms of the contract with ANL it became apparent that the appropriate vehicle for accomplishing the ANL work was via an agreement with the County of Orange, who would subcontract with ANL.

Staff are now requesting that the Board amend their previous action to accurately reflect the award of this contract to the County of Orange, which currently has agreed to coordinate the Landfill Gas Research study via a subcontract with Argonne. All work anticipated under this contract will be performed by Argonne, as originally intended by the Board's action taken April 29, 1992.

ANALYSIS:

Adoption of Resolution 92-157 will amend the previous action taken by the Board in April of 1992 for award of this contract and performance by Argonne National Laboratory and will accurately reflect the award of the contract as follows:

**County of Orange/Integrated Waste Management Department
Argonne National Laboratory, subcontractor,
Landfill Gas Research Study - \$173,000**

Attachments: 1. Contract
2. Resolution

Prepared by : Susan Villa
Reviewed by : Bonnie MacDuffee
Reviewed by : Bob Del Agostino
Legal Review :

**Phone 255-2245
Phone 255-2710
Phone 255-2269
Date/Time 12-3-92**

STANDARD AGREEMENT — APPROVED BY THE ATTORNEY GENERAL

STD. 2 (REV. 5-81)

ATTACHMENT 1

CONTRACT NUMBER TWM-C1053	AM. NO.
TAXPAYER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER: 95-6000928 (exempt)	

THIS AGREEMENT, made and entered into this 19th day of June, 1992,
in the State of California, by and between State of California, through its duly elected or appointed, qualified and acting

TITLE OF OFFICER ACTING FOR STATE
Executive Director

AGENCY

California Integrated
Waste Management Board

, hereafter called the State, and

CONTRACTOR'S NAME

The County of Orange/Integrated Waste Management Department

, hereafter called the Contractor.

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the State hereinafter expressed, does hereby agree to furnish to the State services and materials as follows: *(Set forth service to be rendered by Contractor, amount to be paid Contractor, time for performance or completion, and attach plans and specifications, if any.)*

The County of Orange/Integrated Waste Management Department, hereafter known as Contractor, agrees to provide and the California Integrated Waste Management Board, hereafter known as CIWMB, agrees to accept services and conditions as set forth in this Agreement

Contractor agrees to coordinate the study, "Landfill Gas Research: A. Methane Balance Technique for Evaluation of Landfill Gas Migration Control System, and B. Effect of Probe Design and Sampling Practices on Observed Soil Gas Concentrations," described more fully in Exhibit A (Scope of Work).

Argonne National Laboratory, as a subcontractor for the Contractor, shall conduct landfill gas research to: 1) study the effectiveness of using a methane balance technique for evaluating landfill gas migration control systems, and 2) study the effects of probe design and sampling practices on observed soil gas concentrations. Tasks shall be performed and reports shall be provided to the CIWMB as set forth in Exhibit A.

Contractor will be paid in accordance with Exhibit B (Budget) and Exhibit C (Instructions for Submittal of Invoices). The Contractor shall be paid lump sum in advance upon submission of an invoice to CIWMB for payment. The total amount of this contract will not exceed \$173,000.

This Agreement shall be effective June 19, 1992, and continue through December 31, 1993.

Exhibits A, B, and C are attached to this Agreement and incorporated by reference.

CONTINUED ON _____ SHEETS, EACH BEARING NAME OF CONTRACTOR AND CONTRACT NUMBER.

The provisions on the reverse side hereof constitute a part of this agreement.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

STATE OF CALIFORNIA**CONTRACTOR**

AGENCY

California Integrated Waste Management Board

CONTRACTOR (If other than an individual, state whether a corporation, partnership, etc.)
The County of Orange/Integrated Waste Mgmt. Dept.

BY (AUTHORIZED SIGNATURE)

>

BY (AUTHORIZED SIGNATURE)

>

PRINTED NAME OF PERSON SIGNING

Ralph E. Chandler

PRINTED NAME AND TITLE OF PERSON SIGNING

Murry L. Cable, Director

TITLE

Executive Director

ADDRESS

1200 N. Main St., Suite 201, Santa Ana, Ca 92701

AMOUNT ENCUMBERED BY THIS DOCUMENT

\$ 173,000

PROGRAM/CATEGORY (CODE AND TITLE)

FUND TITLE

TWM Clearing

Department of General Services
Use Only

PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT

\$ -0-

(OPTIONAL USE)

TOTAL AMOUNT ENCUMBERED TO DATE

\$ 173,000

ITEM
3910-001-387CHAPTER
118STATUTE
1991FISCAL YEAR
1991-92

OBJECT OF EXPENDITURE (CODE AND TITLE)

2300/20000/398

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

T.B.A. NO.

B.R. NO.

SIGNATURE OF ACCOUNTING OFFICER

DATE 6/25/92

☐ CONTRACTOR ☐ STATE AGENCY ☐ DEPT. OF GEN. SER. ☐ CONTROLLER ☐

Definitions

In interpreting this agreement, the following terms will have the meanings given to them below, unless the context clearly indicates otherwise.

- A. "Board" will mean the California Integrated Waste Management Board.
- B. "Executive Director" will mean the Executive Director of the California Integrated Waste Management Board, or his/her designate. Any references to Executive Officer will mean Executive Director or his/her designate.
- C. "State" will mean the State of California, including but not limited to, the California Integrated Waste Management Board and/or its designated officer.
- D. "Contractor" will mean the recipient of funds pursuant to this agreement.
- E. "Subcontractor" will mean a person or entity which contracts with the contractor to perform all or a portion of the work as specified in the Scope of Work, Exhibit A.

Audit. The contractor agrees that the Board, the State Controller's Office and the State Auditor General's Office, or their designated representatives, will have an absolute right of access to all of the contractor's records pertaining to the agreement to conduct reviews and/or audits. contractor's records pertaining to the agreement, or any part thereof requested, will be made available to the designated auditor(s) upon request for the indicated reviews and/or audits. Such records will be retained for at least three years after expiration of the agreement; or until completion of the action and resolution of all issues which may arise as a result of any litigation, claim, negotiation or audit, whichever is later.

The Board will have the right to review the contractor's records for the specific purpose of verifying compliance with the Minority and Women Business Enterprise requirements set out in California Government Code Section 10115 et seq. and Title 2, California Code of Regulations, sections 1896.60 et seq.

If an audit reveals the State funds are not being expended, or have not been expended in accordance with the agreement, the contractor may be required to forfeit the unexpended portion of the funds and/or repay the State for any improperly expended monies.

Availability of Funds. The State's obligations under this agreement are contingent upon and subject to the availability of funds appropriated for this contract.

Payment. The Budget, Exhibit B, states the maximum amount of allowable costs for each of the tasks identified in the Scope of Work. The State will reimburse the contractor for performing only those services specified in Exhibit B. Travel expenses will only be paid if provided for in Exhibit B.

In the event the contractor's projection of costs indicates a need to revise the Budget attached as Exhibit B, the contractor will notify the State within ten (10) working days of the discovery of need for revision.

Entire Agreement. This agreement supersedes all prior agreements, oral or written, made with respect to the subject hereof and, together with the Exhibits hereto, contains the entire agreement of the parties.

Subcontractors. The contractor will be entitled to make use of its own staff and such subcontractors as are mutually acceptable to the contractor and the State. All subcontractors specifically identified in the Scope of Work are considered to be acceptable to the State. Any change in subcontractors will be subject to the prior written approval of the Executive Director. Upon termination of any subcontract, the contractor will notify the Executive Director immediately. All provisions of this contract will apply to subcontractors.

The contractor will be responsible for the work of subcontractors. The contractor is also responsible for controlling costs and maintaining accurate records of invoices received from subcontractors. Subcontractors will be subject to any audits related to work performed as a part of, or in relation to, this agreement.

Communications. All official communication from the contractor to the State will be directed to Francisco Gutierrez, the Contract Manager, or the Executive Director, California Integrated Waste Management Board, 8800 Cal Center Drive, Sacramento, CA 95826.

All formal notices required by this agreement will be given in writing and sent by prepaid certified mail, by personal delivery or by telex.

Nondiscrimination Clause. (OCP - 2)

1. During the performance of this contract, contractor and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40) or sex. Contractors and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. Contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code are incorporated into this contract by reference and made a part hereof as if set forth in full, Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
2. This contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the contract.

Drug-Free Workplace Certification. The contractor, by signing this agreement, certifies compliance with Government Code section 8355 in matters relating to providing a drug-free workplace. The contractor will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code section 8355(a).
2. Establish a Drug-Free Awareness Program as required by Government Code section 8355(b), to inform employees about all of the following: (a) the dangers of drug abuse in the workplace, (b) the contractor's policy of maintaining a drug-free workplace, (c) any available counseling, rehabilitation and employee assistance programs, and (d) penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by Government Code section 8355(c), that every employee who works on the proposed contract: (a) will receive a copy of the company's drug-free policy statement, and (b) will agree to abide by the terms of the company's statement as a condition of employment on the contract.

The person signing this contract on behalf of the contractor swears that he/she is authorized to legally bind the contractor to this certification and makes this certification under penalty of perjury under the laws of the State of California.

EXHIBIT A

Scope of Work

Argonne National Laboratory
9700 S. Cass Avenue
Argonne, Illinois 60439

PROPOSAL P-92008

LANDFILL GAS RESEARCH:

- A. Methane Balance Technique for Evaluation
of Landfill Gas Migration Control Systems
- B. Effect of Probe Design and Sampling Practices
on Observed Soil Gas Concentrations

Submitted to:

California Integrated Waste Management Board
Sacramento, California 95826

Principal Investigator: J. Bogner
Energy Systems Division

February 1992

1 INTRODUCTION AND PROJECT SUMMARY

This proposal was prepared at the request of the California Integrated Waste Management Board to address, via applied field research, two topics of interest: (a) the "Methane Balance Technique for Evaluation of Landfill Gas Migration Control Systems" and (b) the "Effect of Probe Design and Sampling Practices on Observed Soil Gas Concentrations." Argonne National Laboratory (ANL) retains intellectual property rights for the ideas expressed herein.

Both projects address aspects of landfill methane migration and stress improved techniques for better understanding dynamic landfill methane processes. The methane balance technique expands single-point monitoring techniques for evaluation of gas migration control systems into an integrated systems approach -- this is done by selective implementation of field, laboratory, and numerical analysis techniques to examine the partitioning of methane generated in a landfill into various pathways through which methane may be removed from the landfill. These pathways include lateral migration of methane in the subsurface; emission of methane to the atmosphere; methane capture by active gas control/recovery system; and oxidation of methane to carbon dioxide by indigenous microorganisms. The relative rates and importance of selected pathways pertaining to gas migration and emissions will be addressed in this study -- these pathways are of concern to the California Integrated Waste Management Board, which has responsibility for landfill gas regulation within the state of California to ensure public health and safety with respect to landfill gas control.

The second project, "Effect of Probe Design and Sampling Practices on Observed Soil Gas Concentrations," addresses quality control/quality assurance aspects of current landfill gas sampling practices. Three probe designs will be evaluated in triplicate installations using selected sampling protocols. All probes will be placed in a common area of uniform cover thickness to permit a side-by-side field test.

It is anticipated that the project work will be conducted at the Olinda Landfill, Orange County, California, in cooperation with Orange County Waste Management, Santa Ana, California. Under U.S. Department of Energy (DOE) funding, ANL has previously worked cooperatively with Orange County at the Olinda site and has a field trailer and some equipment at the site for support of this project. Orange County personnel have expressed verbal interest and have received all correspondence pertaining to the current proposed projects; however, detailed discussions on project details and a management decision must precede their formal involvement in the project. A major advantage of the Olinda site would be the ability to access previous data as background to this new work; in addition, ANL had a good working relationship with Orange County personnel. If necessary, ANL would consider working at an alternative site to be selected in cooperation with the California Integrated Waste Management Board.

Project work will be conducted by ANL staff. The principal investigator, J. Bogner, is a geologist who has been involved with DOE landfill gas studies at ANL since 1978; she has conducted field and laboratory studies in the area since 1983. Current projects, conducted for the National Renewable Energy Laboratory (NREL), Golden, Colorado, under a DOE Energy from Municipal Waste Program, include work on landfill methane emissions and leachate recirculation.

The major focus of the NREL work is increased commercial landfill methane recovery rather than limitation of off-site gas migration.

Assistance in two specialized areas will be provided by subcontractors. These areas are (1) numerical analysis of multiphase subsurface gas transport and (2) activity of methanotrophic bacteria in the subsurface.

The total budget for the proposed landfill gas research is \$170,000. Per previous discussions, it is assumed that gas chromatographic analysis for methane, carbon dioxide, oxygen, and nitrogen will be provided by contractors to the California Integrated Waste Management Board at no expense to ANL. Other alternatives for gas analysis are negotiable.

2 TECHNICAL PROPOSAL, TASK A: METHANE BALANCE TECHNIQUE FOR EVALUATION OF LANDFILL GAS MIGRATION CONTROL SYSTEMS

2.1 Background/Justification

Currently, gas migration control systems are evaluated on the basis of periodic gas sampling and analysis of perimeter probes. However, because residential and other development often encroaches close to landfill boundaries, single-point monitoring techniques need to be expanded to better evaluate the performance of active and passive migration control systems. This project will develop an alternative mass balance approach for examining migration control systems. This "Methane Balance" approach is roughly parallel to the use of a water balance for projection of leachate generation in landfill environments. A methane balance technique is attractive for several reasons:

1. The methane balance approach expands single-point monitoring techniques to an integrated systems approach.
2. This technique has flexibility depending on the quality of data for any given site.
3. The sophistication of the analysis can be varied depending on the potential for gas migration at any given site.
4. The methane balance method includes evaluation of surface emissions in addition to evaluation of subsurface methane migration.

A complete landfill methane balance can be defined as follows:

Methane generated = \sum (methane migrating laterally off-site + methane emitted to atmosphere + methane captured by control/recovery system + methane microbially oxidized to carbon dioxide + methane storage)

The focus of this two-year project is to develop field, laboratory, and numerical techniques to evaluate the two aspects of the landfill methane balance of most concern to the California Integrated Waste Management Board -- direct lateral migration of methane and microbial oxidation of methane. The magnitude of and controls on microbial methane oxidation at the landfill perimeter have never been evaluated; however, the conversion of methane to carbon dioxide by indigenous microorganisms may act as a partial natural control on methane migration and emissions. In addition, some emphasis will be placed on methane emissions at the top of the landfill; this would expand previous ANL work at Olinda, if chosen for this project. It would be highly desirable to establish work for both Task A and Task B at a single field site. In addition, via an integrated field project in California, there is an opportunity for cooperation with other ANL landfill work proposed to NREL; the NREL work would focus on the methane recovery portion of the landfill methane balance.

2.2 Statement of Work for Task A

There are two major goals for the first year of this two-year project: (1) develop numerical techniques for evaluation of the methane balance components of environmental concern (lateral migration, emissions, methane oxidation); and (2) instrument a field site, test instrumentation, and gather preliminary data in preparation for intensive data collection and analysis during the second year of this project. It is understood that, at present, funding for only the first year of this project is available. We need to work at a field site (Olinda or alternative) where we could instrument a well-controlled cell at the landfill boundary with final cover in place. Also, we would need access for equipment during the course of this study.

Field, laboratory, and numerical analysis components are included in this task. Numerical analysis will be PC-based, focusing on the development of simple, user-friendly codes to (1) model the methane balance itself (to be applied to specific field sites), and (2) model methane transport and oxidation processes subject to various boundary conditions as necessary inputs to the methane balance. The latter will require consideration of multicomponent gas mixtures of methane, oxygen, and carbon dioxide to permit description of methane oxidation processes.

The major focus of this task is a field experiment supported by selected laboratory analyses. Since the methane balance requires partitioning of the methane generated in a landfill into various pathways (migration, emissions, recovery, and oxidation), techniques will be selected to evaluate components of the methane balance and monitor their seasonal dynamics at the field site. Methane generation will be evaluated by laboratory incubation of actual landfill samples from the Olinda (or alternative) site using techniques described in Bogner (1990). Briefly, samples will be physically and chemically characterized and incubated in vitro (serum bottles) under controlled anaerobic conditions at ANL. Methane production will be monitored by quantifying the methane portion of the biogas produced using gas chromatography (GC). The dynamics of methane migration and emissions will be monitored using probe techniques supported by shallow subsurface pressure/temperature monitoring, soil moisture monitoring, monitoring of selected meteorological variables (air temperature, barometric pressure, and precipitation), and monitoring of gas concentrations (methane, oxygen, carbon dioxide, and nitrogen by GC). ANL has previously developed a PC-based system for continuous monitoring of soil gas pressures/temperatures, air temperature, barometric pressure, wind speed/direction, and precipitation; it is anticipated that this system will be "cloned" at relatively modest cost to permit a dedicated monitoring system for this project. Other techniques (tracer studies, chamber measurements of methane emissions, etc.) may be selected in consultation with the California Integrated Waste Management Board after a specific field site is selected. The detailed design of probe installations and description of monitoring protocols for this task must be referenced to a specific field site; these will be provided in the detailed project plan (one month after start-up). Methane oxidation will be evaluated in separate studies using techniques described in Mancinelli et al. (1981) and Mancinelli and McKay (1985). Briefly, these techniques consist of (1) enumeration of methane-oxidizing bacteria using field samples and (2) microcosm studies using field samples to examine rates of methane oxidation and evaluate the controls (moisture, gas concentrations, and other factors) that retard or accelerate methane oxidation.

2.3 Expected Results

First, this project will permit better understanding of major controls on methane migration through process-based studies that examine physical transport processes and microbiological oxidation of methane at a specific field site. The process-oriented studies will permit generalization of results beyond the specific site monitored for this project. Second, project results will permit testing of the methane balance approach for overall evaluation of methane fates within the landfill environment and its perimeter. Third, integrated field, laboratory, and numerical analysis techniques will be developed and evaluated for application of the methane balance approach at other sites in the state of California.

2.4 Schedule

	Months																								
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Start-Up		x																							
Detailed Program Plan																									
Completion of Methane Balance and Transport Models; Interim Report; Completion of Field Installation and Preliminary Monitoring				x	-----																				x
Completion of Field Testing at Olinda; Draft Final Report and User's Guide																									
Final Report and User's Guide																									

3 TECHNICAL PROPOSAL, TASK B: EFFECT OF PROBE DESIGN AND SAMPLING PRACTICES ON OBSERVED SOIL GAS CONCENTRATIONS

3.1 Background/Justification

At landfill sites, monitoring of lateral gas migration is based on observed methane concentrations in soil gas extracted from probes at the landfill perimeter. However, standard protocols for design and installation of probes, as well as for sampling soil gas, are lacking. Thus, differences in observed methane values may partly reflect the use of different procedures. Consequently, regulatory decisions may be based on methane values that are questionable and inconsistently measured. This project will address this serious lack of standardization through a controlled field experiment to examine methane concentrations in replicated probes of various designs that are sampled according to various protocols. The field experiment will include both dry and wet season sampling at the selected field site. As discussed previously, the field site may be the Olinda Landfill, Orange County, California, in cooperation with Orange County Waste Management. The bulk of the project work described below will be completed by ANL; a subcontractor will provide a one-dimensional, PC-based transport model for subsurface methane, carbon dioxide, and oxygen constrained by pressure, temperature, and observed gas concentrations.

3.2 Statement of Work for Task B

The three major goals for this project are to (1) examine methane values in replicated probes of three different designs placed at three different depths, (2) examine the effects of various purging/sampling protocols on the methane values obtained, and (3) develop a basic transport model to permit generalization of site monitoring data.

Three probe designs will be evaluated. It is anticipated that the three designs will include (1) a probe of 1.0-in. (OD) PVC (which resembles a typical perimeter probe in California), as shown in Fig. 1; (2) a composite probe of 0.125-in. stainless steel (SS) tubing inside 1.5-in. PVC (Fig. 2); and (3) 0.125-in. SS tubing alone. All probes will have appropriate gas-tight caps and fittings for obtaining samples. The final probe designs to be evaluated will be selected in consultation with the California Integrated Waste Management Board. At the Olinda site, two clusters of composite probes were installed by ANL in 1987. It is possible that some of these may still be intact, but their integrity is questionable for use in this project.

All probes will be installed in triplicate at three different depths on a part of the field site with uniform cover thickness. Where Z = cover thickness, probe depths will be Z (base of cover/top of refuse), $Z/2$, and $Z/4$. The total number of probes will be 27. It is anticipated that all probes will be placed in a common area on a portion of the landfill with final cover in place. Exact probe spacing and layout of probe clusters will be determined after selection of the experimental area. For uniformity across the experimental area, a site removed from the landfill perimeter is preferable; perimeter locations may be characterized by uneven depth of refuse or cover soils (with inconsistent gas concentrations) within a limited area. By choosing a more central landfill position

cover thickness, errors resulting from edge effects will be minimized and observed concentration differences will reflect differences in probe design and sampling procedures.

ANL personnel will make three visits to the field site (two persons per trip). The first visit will be to select the study area and supervise probe installation. Access tubing will also be installed for downhole soil moisture monitoring using a neutron probe. Soil samples will be taken during probe installation for gravimetric soil moisture determinations; these can be done locally or the samples can be sent back to ANL. It is ANL's understanding that a Giddings hydraulic rig owned by the California Integrated Waste Management Board will be used for probe installation. The rig will be operated by California Waste Management personnel. Some preliminary testing of gas concentrations in the various probes will also be completed during the first scheduled field visit. In addition to methane, all soil gas samples will be analyzed by gas chromatography for carbon dioxide, nitrogen, and oxygen by a contractor to the California Integrated Waste Management Board. Appropriate gas standards will be used by that contractor for calibration within the appropriate ranges for the various samples. It is anticipated that three full rounds of 27 samples will be analyzed in triplicate on the first visit. ANL will also do some field monitoring of methane and carbon dioxide concentrations (% range only) using infrared instrumentation.

The second and third field visits will be scheduled to correspond to wet and dry season conditions, respectively -- probably January/February and July/August. The field protocol for each of these visits will consist of four full rounds of samples for all the probes, with each sample being analyzed in triplicate. Each round of samples will include a uniform sample volume extracted from each probe following either a "purge" or "no purge" protocol.

3.3 Expected Results

Statistical analysis of results will permit evaluation of differences between probe designs and "purge" vs. "no purge" protocols. Results will provide guidance for recommending monitoring protocols and probe designs to the California Integrated Waste Management Board. The recommended designs and protocols would improve the uniformity among site monitoring results, permitting better comparison of both between-site and within-site variations.

3.4 Schedule

	Months												
	0	1	2	3	4	5	6	7	8	9	10	11	12
Start-Up	x												
Detailed Program Plan		x											
Probe Installation and Initial Monitoring				x									
Second and Third Field Visits with Scheduled Monitoring (Wet and Dry Season Sampling)					x	-----							
Draft Final Report												x	
Final Report													x

4 REFERENCES CITED

- Bogner, J., 1990, *Controlled Study of Landfill Biodegradation Rates Using Modified BMP Assays*, Waste Management & Research, 8:329-352.
- Mancinelli, R.L., et al., 1981, *Methanol-Oxidizing Bacteria Used as an Index of Soil Methane Content*, Applied Environmental Microbiology, 42:70-73.
- Mancinelli, R.L., and C.P. McKay, 1985, *Methane-Oxidizing Bacteria in Sanitary Landfills*, in Biotechnological Advances in Processing Municipal Wastes for Fuels and Chemicals, Proceedings of the First Symposium, held Aug. 15-17, 1984, Minneapolis, Minn., Argonne National Laboratory Report ANL/CNSV-TM-167.

5 BUDGET SUMMARY (YEAR 1)

Note: Budget for second year of Task A to be negotiated.

[Rates for (Federal) fiscal years 1992 to 1993 (10/1/91 - 9/30/93)]

Item	Task A (Person Month)	\$K	Task B (Person Month)	\$K
LABOR COST				
Scientific staff	(3.4)	22.06	(1.5)	9.74
Hourly	(0.6)	1.55	(0.6)	1.55
Hourly-temporary	(3.0)	5.20	(1.6)	2.80
Total direct labor costs				42.9
MATERIALS AND SERVICE (M&S)				
Supplies and services		12.10		8.00
Subcontracts		32.00		8.00
Equipment		10.00		-----
Total M&S				70.1
General and administrative				30.8
Effort-related overhead				26.2
Total federal rate				170.0
Full-cost recovery				208.6

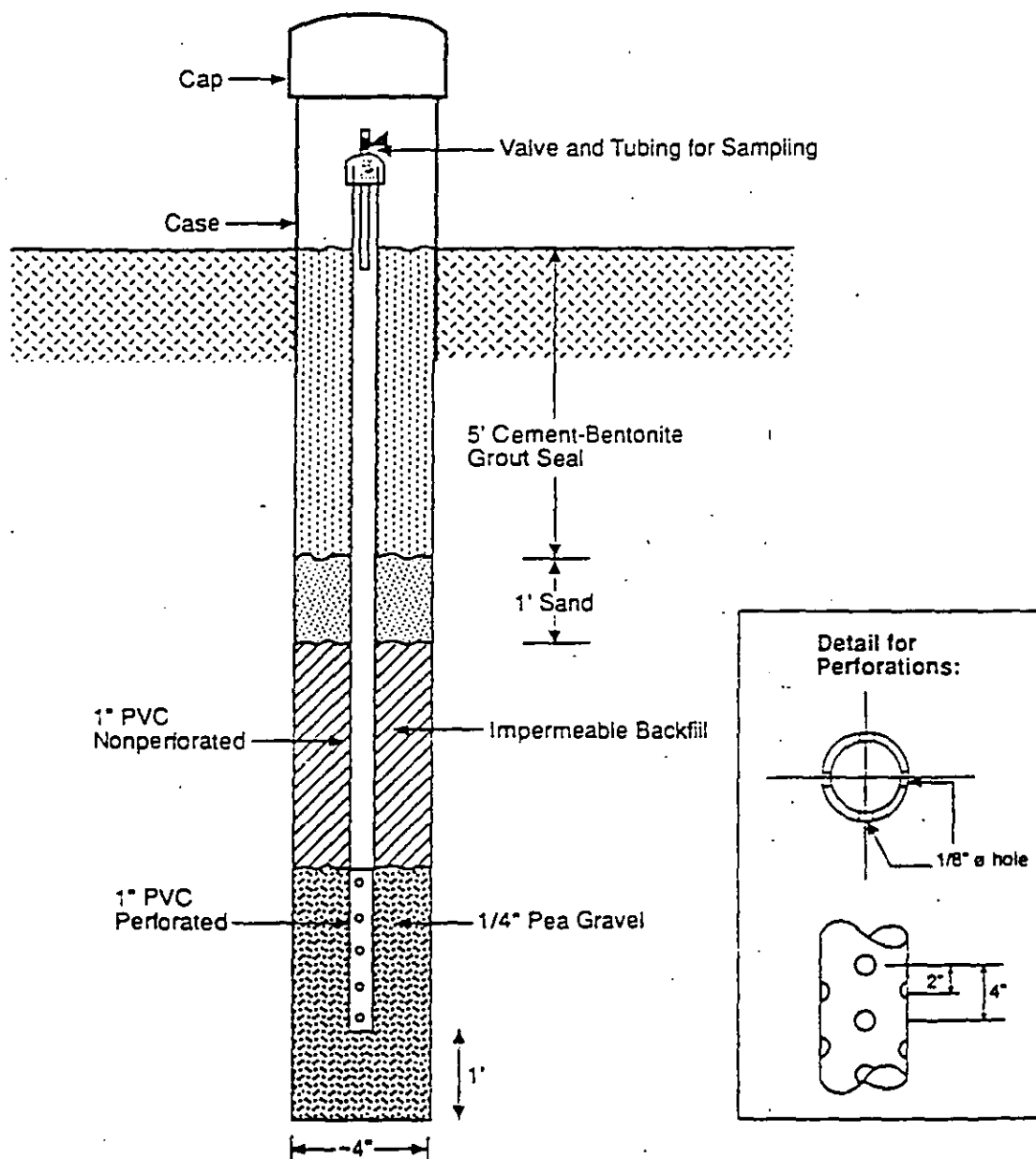


FIGURE 1 Typical Perimeter Probe Design

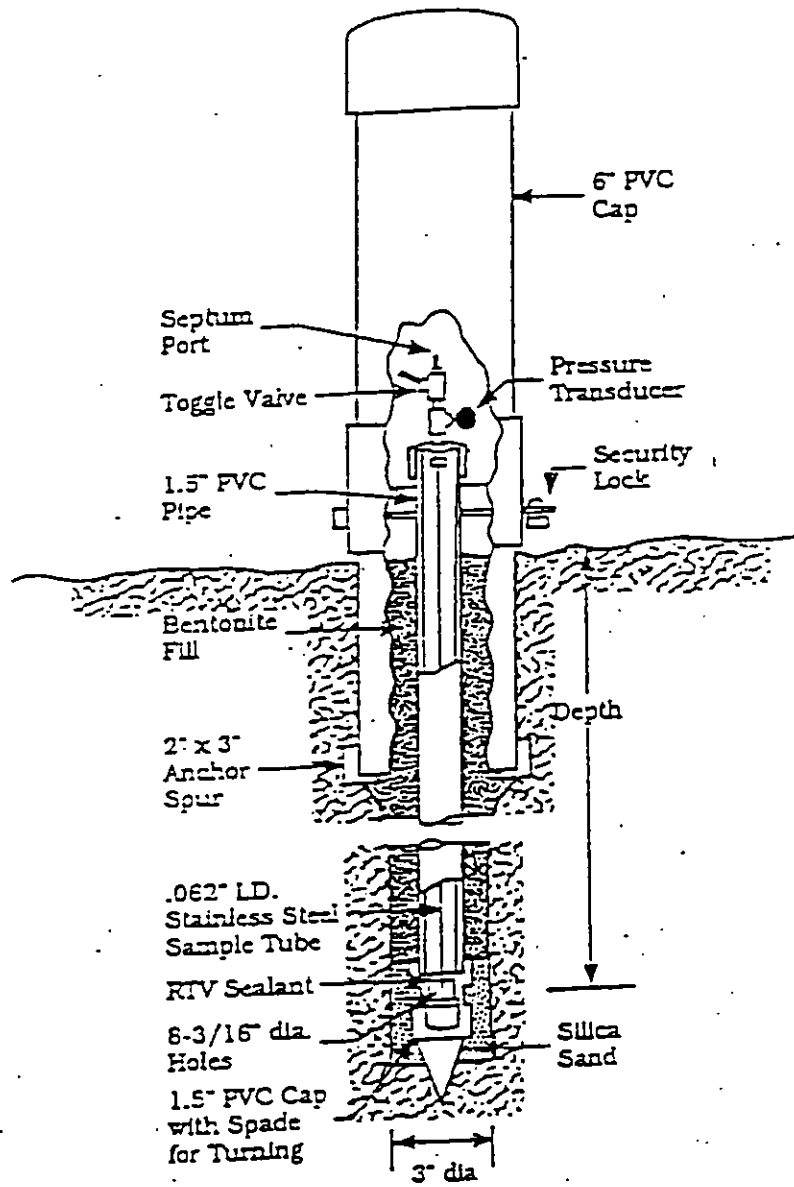


FIGURE 2 Composite Probe Design

Exhibit B

Budget

I. Costs for Task A. Methane Balance Technique for Evaluation of Landfill Gas Migration Control Systems.

<u>Item</u>	<u>Cost (\$K)</u>
1. Scientific Staff Labor	22.06
2. Hourly Labor	1.55
3. Hourly-temporary Labor	5.20
4. Supplies and Services	12.10
5. Subcontracts	32.00
6. Equipment	1 0 . 0 0

II. Costs for Task B. Effect of Probe Design and Sampling Practices on Observed Soil Gas Concentrations.

<u>Item</u>	<u>Cost (\$K)</u>
1. Scientific Staff Labor	9.74
2. Hourly Labor	1.55
3. Hourly-temporary Labor	2.80
4. Supplies and Services	8.00
5. Subcontracts	8.00
6. Equipment	0.00

III. General and administrative 33.80

IV. Effort related overhead 26.20

Total 173.00

The California Integrated Waste Management Board will provide for the following:

1. Drilling services for the soil gas probe installations as described in Task B, page 6, paragraph 4 of the Scope of Work.
2. Laboratory analysis of soil gas samples for methane, carbon dioxide, nitrogen, and oxygen as described in Task B, page 7, paragraphs 2 and 3 of the Scope of Work, with the proviso that the California Integrated Waste Management Board reserves the right to the final determination of the number of samples to be tested.

EXHIBIT C

Instruction for Submittal of Invoice

The invoice must be submitted in triplicate with an original signature on at least one copy and supporting documentation (bids, receipts, cancelled checks, sole source justification, etc.) attached.

The invoice must be signed by the person who signed the contract or his/her designate. If there is a question as to the authority of the signer which cannot be resolved to the satisfaction of the State, the invoice will not be honored.

A proof of purchase receipt or cancelled check must be submitted for each item requested to be reimbursed. These items must contain sufficient information to establish that the specific purchase was made.

Only those items found in Exhibit B, Budget, are eligible for reimbursement. Travel expenses are allowed only if provided for in Exhibit B. The contractor will provide receipts for all lodging, food, travel-related incidental expenses and any air fare along with a statement regarding purpose of the trip. Actual lodging expenses, food and incidental expenses will be reimbursed at the amounts allowed for state employees performing similar duties.

Any changes to the items on Exhibit B must be approved by the Executive Director before an expenditure for that item. If the change is approved, a new invoice will be prepared and mailed to the contractor.

Payment requests may be submitted no more than once every thirty (30) calendar days. Mail payment request to the following address:

ATTN: Fiscal Office
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

The Contract Manager will review and approve all invoices before payment can be made. After all Board staff approvals, payment requests will be forwarded to the State Controller's Office for issuance of payment warrants.

If the contract calls for a withhold, ten percent (10%) will be deducted from every payment request and retained by the State until all the conditions stipulated in the contract have been satisfied.

It will be the responsibility of the contractor to pay all subcontractors for purchased goods and services.

The State will make payment to the contractor as promptly as fiscal procedures permit. If the contractor is a nonprofit organization and the contract value is less than \$500,000.00, or, if the contractor is a small business, payment is due 30 days from the date services are received and accepted by the State, or 30 days from the date a correct invoice is received in the office specified by the State, whichever is later. Payment is due to any other contractor 60 days from the date the services are received by the State, or 60 days from the date a correct invoice is received in the office specified by the State, whichever is later. When provision is made for a testing period preceding acceptance by the State, date of acceptance will mean the date services are accepted by the State during the specified testing period.

California Integrated Waste Management Board

Resolution 92-157

December 16, 1992

BE IT RESOLVED that the Board hereby amends the action taken at the April 29, 1992 Board meeting to award a contract to the Argonne National Laboratory for a Landfill Gas Research Study to reflect award of the contract to the County of Orange/Integrated Waste Management Department to accomplish the Landfill Gas Research Study. This amendment shall be effective as of the date of the Board's original action, April 29, 1992. The total amount of this contract will not exceed \$173,000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on December 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 9

ITEM: Consideration of Award of Interagency Agreement with Department of General Services, Office of Information Systems for EDP Services

BACKGROUND:


Staff is requesting that the Board consider award of an interagency agreement where the concept was approved at the September 30, 1992 Board meeting. The contract will be an amendment to augment an existing interagency agreement with the Department of General Services, Office of Information Systems (DGS-OIS) for EDP Services.

ANALYSIS:

Adoption of Resolution 92-208 by the Board will allow the following interagency agreement amendment to proceed:

Department of General Services, OIS - \$260,000
EDP Services

Attachments: 1. Scope of Work
2. Resolution

Prepared by : Susan Villa
Reviewed by : Bonnie MacDuffee
Reviewed by : Bob Del Agostino
Legal Review : 

Phone 255-2245
Phone 255-2710
Phone 255-2269
Date/Time 12-7-92

CIWMB SUPPLEMENTAL EDP SUPPORT SERVICES

SCOPE OF WORK

Purpose

This contract will allow the CIWMB to acquire the supplemental EDP support that is necessary to ensure continued delivery of full spectrum EDP services to the Board for the current fiscal year. The support to be acquired through this contract will be directed towards high priority programmatic and organization-wide EDP needs including technical consultation and applications development and maintenance activities.

Work Breakdown

The Board currently has over 10 projects in various stages of completion that rely either partially or totally on contracted supplemental EDP support. The contracted support applied to these projects ranges from an organization-wide needs analysis for geographic information systems (GIS) to program specific activities such as the development of a Feasibility Study Report (FSR) for the Used Oil program. Also, the Board has a slate more than 12 additional EDP projects scheduled for implementation in this current fiscal year for which work has not yet begun. Additionally, throughout the year new projects are identified as program areas become aware of, or more completely define, their information processing needs.

The new projects are quite varied and as every project is unique, the effort associated with each is dependant upon the project. The required support may vary from assisting with the evaluation of a product to managing a major undertaking requiring multiple staff, cross-divisional support, complex needs analysis, system design and implementation (such as Used Oil, the Consolidated Mailing List, or SWIS redevelopment).

Projects may also involve other agencies or systems such as support for the Cal Stars system, connecting to Teale Data Center for access to informational databases, or receiving data from the Board of Equalization.

Most projects will require some level of involvement with all of the basic aspects of information processing: analysis, design, development, coding, testing, conversion, training, and documentation. As the type and complexity of the project will dictate the requirements and the effort involved, each project must be addressed separately as described in the Project Structure section below.

Project Structure

The primary work associated with this contract will be accomplished by the Department of General Services, Office of Information Services (DGS-OIS). Their services will be secured through the extension of Interagency Agreement IWM-C1064, which provided the CIWMB with full spectrum contracted EDP support during the last fiscal year. The CIWMB's Information Management Branch (IMB) will provide overall project management, DGS-OIS guidance and oversight, and secondary development and maintenance support.

Each activity undertaken by DGS-OIS will be explicitly defined through Memorandums of Understanding (MOUs) in which the project structure, deliverables, schedules, and all other task characteristics will be specified. The MOUs will be jointly developed and approved for each activity by DGS-OIS and CIWMB IMB before work is initiated.

California Integrated Waste Management Board

Resolution 92-208

December 16, 1992

BE IT RESOLVED that the Board hereby awards the EDP Services interagency agreement amendment to the Department of General Services, Office of Information Systems. The total amount of this contract amendment will not exceed \$260,000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on December 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 10

ITEM: Consideration of Award of an Interagency Agreement with the Department of Finance for Support of the Governor's Washington, D.C. Office

BACKGROUND:

Staff is requesting that the Board consider award of an interagency agreement with the Department of Finance to cover our assessment for support of the Governor's Washington D.C. Office.

The services provided by the \$14,000 assessment include:

- 1) Keeping abreast of and providing input into Federal policies having impact on the State of California;
- 2) Maintaining full and timely access to current studies, plans, research reports, proposal opportunities, etc., being generated at the Federal level;
- 3) Assist in obtaining Federal funds;
- 4) Furnish the administration and operating support of the Washington D.C. Office.

ANALYSIS:

Staff recommends approval of the agreement.

Prepared by : Susan Villa *SV*
Reviewed by : Bonnie MacDuffee *(BLM)*
Reviewed by : Bob Del Agostino *(BLM)*
Legal Review : *[Signature]*

Phone 255-2245
Phone 255-2710
Phone 255-2269
Date/Time

12-3-92

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 11

ITEM: Consideration of Award of an Interagency Agreement for Support of the Governor's Office of Planning and Research

BACKGROUND:

Staff is requesting that the Board consider award of an interagency agreement with the Office of Planning and Research to cover our assessment for support of the Governor's Office of Planning and Research.

The services provided by the \$11,250 assessment include writing and research services for Cabinet Agencies and Departments, with staffing costs to be reimbursed by the Agencies or Departments reporting to the Agencies.

ANALYSIS:

Staff recommends approval of the agreement.

Prepared by : Susan Villa *SV*
Reviewed by : Bonnie MacDuffee *BLM*
Reviewed by : Bob Del Agostino *BLM*
Legal Review : *[Signature]*

Phone 255-2245
Phone 255-2710
Phone 255-2269
Date/Time

12-3-92

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
DECEMBER 16, 1992**

AGENDA ITEM 12

ITEM: Consideration of Categories of Projects to be funded under the California Conservation Corps Interagency Agreement

COMMITTEE ACTION:

The Administration Committee heard this item at its November 1992 meeting and approved five general categories of projects to be funded by the \$1 million dollars (IWMA) authorized for the purpose of entering into an interagency agreement with the CCC.

BACKGROUND:

The Budget Act of 1992-93 (Item 3910-490) reappropriated \$1 million from the Integrated Waste Management Account for the purpose of entering into an interagency agreement with the California Conservation Corps (CCC). The Board on September 30, 1992 voted to award a services-as-needed contract with the CCC. Specific projects are not included in the contract. Staff has identified five general categories of projects to be funded. Individual projects will be authorized via work authorizations.

ANALYSIS:

In identifying the five categories for funding the staff used the following criteria:

- * Meets the goals of AB 939
- * Consistent with CCC objectives
(job skills training and environmental education)
- * Completed within 1992-93 FY
- * Rapid implementation
- * One time project
- * Significance of Public Relations for Board/CCC
- * Balanced geographic distribution

The five general categories recommended for funding are listed below:

1. REBUILD SOUTH CENTRAL LOS ANGELES

- * Paint damaged structures with recycled paint
- * Salvage recyclable material from debris piles
- * Litter abatement

South Central Los Angeles as a result of the April 92 civil unrest has numerous projects that would meet the mutual goals of both the Board and the CCC. Los Angeles County alone has

recycled latex paint in gray, beige and brown and has offered to deliver this paint to the Board or CCC free of charge.

According to a County representative, the primary focus of the painting project would be graffiti abatement and painting of restored structures in the South Central area.

2. TIRE CLEAN-UP

- * Survey counties to identify abandoned tire piles
- * Perform mitigation activities (build fire lanes, punch holes in tires, reduce tire pile height)
- * Clean up unauthorized tire piles on public/private property
- * Assist at dropoff site programs
- * Clean up small tire piles (<500)

Staff would notice LEA's/Mosquito Abatement Districts that funds are available for tire clean up and ask them to submit proposals for consideration within a given timeframe. The waste tires would be transported by the recipient agency to a facility that would recycle, reuse, transform, or dispose (bury after shredding) of them within 90 days of receipt.

3. ASSISTANCE TO RURAL COUNTIES TO GAIN COMPLIANCE WITH STATE MINIMUM STANDARDS REGARDING SOLID WASTE FACILITIES

- * Install/Repair perimeter fencing
- * Install/Repair identification signs
- * Repair/Clean-up bear-damaged areas
- * Repair drainage systems
- * Erosion Control

Solid Waste Facilities operated by rural public agencies typically need assistance to gain and maintain compliance with applicable state laws. Rural counties in mountainous areas have ongoing problems (cleaning/sanitation, litter, nuisance) associated with large bear populations.

Board staff would work with county LEAs and operators to identify problem areas and work towards solutions to gain compliance with State Minimum Standards.

Assisting counties with the cleanup of unauthorized dumping, fencing repair, drainage/erosion controls, and installation of identification signs enables the Board to take a pro-active approach and support local jurisdictions.

4. RECYCLED PAINT COLLECTION/APPLICATION

- * Assist at paint collection programs
- * Assist in graffiti abatement/community improvement programs

These projects would assist the Board and local governments in preventing illegal disposal of paint to solid waste landfills. Currently latex paint is the most available, recyclable and non-toxic paint product available for use on multiple projects.

Using recycled latex paint in graffiti abatement/community improvement programs and low income housing projects throughout the state will facilitate a testing ground for recycled latex paint.

CCC work would involve collecting survey information, unloading paint from automobiles, bulking paint and assisting in traffic control.

Paint projects would be done in coordination with the local governments and non-profit organizations. Numerous counties have advised staff of the availability of recycled paint due to active paint collection programs and are eager for assistance to improve their community's surroundings.

5. PARTNERSHIPS IN EDUCATION

- * Work with students to develop demonstration projects on source reduction, recycling and/or composting.
- * Assist CIWM lead staff in providing classroom presentations on demonstration projects
- * Assist CIWM lead staff in family/community education programs




Corpsmembers would work with students, teachers, school district personnel and CIWMB and local government staff to support school site recycling and composting programs. Specifically, corpsmembers could do any or all of the following: 1) construct composting bins in schools; 2) instruct students on how to compost; 3) construct storage areas for collected recyclables; 4) instruct students on why in-school recycling is important and how to operate an in-school recycling program; and 5) train high school students to help set up recycling programs and teach younger students.

These projects would assist the Board in setting up source reduction and recycling programs in K-12 school districts and educating California's children about integrated waste

management. Students would be inspired, motivated and empowered to take action on waste management by learning from a group of their near-peers. Corpsmembers would benefit from taking a leadership role with students in these projects and would gain teaching and public speaking skills.

STAFF COMMENTS:

Staff recommends the Board approve the five categories for projects to be funded under the interagency agreement with the CCC. Individual projects will be authorized via work authorizations.

Prepared by : Marilyn Olson 
Reviewed by : Don Wallace 
Legal Review :  _____

Phone 255-2823

Phone 255-2185

Date/Time 12/4/92

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 13

ITEM: Consideration of Award of Contract for Comprehensive Legal Services for Recycling Market Development Zone Revolving Loan Fund Program

BACKGROUND:

Staff is requesting that the Board consider award of a contract for comprehensive legal review of loan documents prior to program implementation and review loan closings. This concept was approved at the September 30, 1992 Board meeting as part of the Revolving Loan Fund Program Administration Services. The contract will be a sole source contract for legal services with Carroll, Burdick & McDonough.

ANALYSIS:

Adoption of Resolution 92-206 by the Board will allow the following sole source contract to proceed:

Carroll, Burdick & McDonough - \$60,000
Comprehensive Legal Review Services for Loan Program

Attachments: 1. Scope of Work
2. Resolution

Prepared by : Connie Dunn^{CD}
Reviewed by : Bonnie MacDuffee ^{BLM}
Reviewed by : Bob Del Agostino ^{BLM}
Legal Review : *MEM*

Phone 255-2242
Phone 255-2710
Phone 255-2269
Date/Time 12/9/92 - 10:10 A.

Contractor: Carroll, Burdick & McDonough, Attorneys at Law
Contract Number:
Page

EXHIBIT A

Scope of Work

To provide legal services to the CIWMB to assist in the structuring, documentation and administration of the Market Development Zone Revolving Loan Fund Program.

Such legal services may include, but not be limited to, comprehensive legal review or preparation of loan document package, training and consultation regarding use of form documentation, consultation with respect to structuring loan transactions, diligence, documentation and closing of loans.

California Integrated Waste Management Board

Resolution 92-206

December 16, 1992

BE IT RESOLVED that the Board hereby awards the contract for Comprehensive Legal Review Services for the Loan Program to Carroll, Burdick & McDonough. The total amount of this contract will not exceed \$60,000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on December 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

DECEMBER 16, 1992

AGENDA ITEM # 16

ITEM: Consideration of Staff Recommendation of Revolving Loan Fund Program Loan Committee Membership

COMMITTEE ACTION:

The Market Development Committee approved this item at the December 3, 1992 meeting for recommendation to the full Board.

BACKGROUND:

The regulations for the Revolving Loan Fund require that the Board, upon recommendation of the Market Development Committee, appoint a Loan Committee of not more than seven members. The purpose of the Loan Committee is to consider staff analysis of loan requests to determine the financial soundness of prospective loans, as well as provide recommendations based on creditworthiness. The Committee will meet quarterly, and will submit a list of recommended projects to the Market Development Committee for final recommendation to the full Board. Initially, three members shall be appointed for one year terms, and four members shall be appointed for two year terms. Subsequent appointments shall be for two year terms. Vacancies shall be filled using the same procedures as used for the initial appointments and shall be filled for the remaining portion of the respective terms. Committee membership will be subject to the Board's Conflict of Interest Code. The committee shall be comprised of representatives demonstrating expertise in financial analysis and credit evaluation who are from the public and private sectors, urban and rural areas, the lending community, and the Department of Commerce.

ANALYSIS:

With input from financial experts in the field, staff compiled a list of qualified individuals who may be interested in serving on the Committee. Approximately, 15 individuals were contacted and invited to submit a brief description of themselves, including their financial analysis and credit evaluation experience, and any experience that they may have had serving on similar committees. We received responses from 11 individuals who expressed an interest to serve on the Committee. Staff reviewed the qualifications of each interested individual and selected seven individuals with financial expertise that include a representation of public and private sector, urban and rural areas, the lending community and the Department of Commerce. The recommended Loan Committee Membership is as follows:

Public Sector/North (One Year Term)

Barbara Vohryzeck - Founder and Executive Director of California Statewide CDC, specializing in the SBA 504 program, with emphasis in rural areas and distressed areas. Former Senior Manager of Department of Commerce, Office of Local Development.

Public Sector/South (Two Year Term)

Carla Dartis - President of the Drew Economic Development Corporation, specializing in business creation and community-based job training programs, experience with the utilization of tax-exempt bond financing and land-banking. Former Supervisor of the City of Los Angeles's Loan Development Program.

Private Sector (Two Year Term)

Mike Freedland - Loan Officer for Citibank with responsibilities for the State of California low-income housing program. Former loan packager and project developer for the Spanish Speaking Unity Council.

Urban Area (Two Year Term)

Ray Sakaida - General Manager/Member of Board of Directors of the Business Finance Center in Monterey Park, specializing in the SBA 504 program in Southern California and administration of an EDA revolving loan fund. Former Assistant Vice President of the SBA Loan Division of Mechanics National Bank.

Rural Area (Two Year Term)

Joan Rainwater-Gish - Financial Consultant working with businesses on the rural north coast since 1979, specializing in government and local economic development financing. Has served on several local loan committees and contracted with the Department of Commerce to provide training in financial analysis and credit evaluation.

Lending Community (One Year Term)

James Baird - CEO of Bay Area Development Company, specializing in SBA 504 and private loans to small businesses in the San Francisco Bay Area, 15 years of community development experience focused on public/private sector partnership lending and serves on the State's CDBG Economic Development Loan Commission.

Department of Commerce (One Year Term)

James Young - Chief of Credit Administration with the Department of Commerce, Office of Small Business, which oversees the State Small Business Loan Guarantee Program. Administers CLEAN program, Underground Storage Tank Loan Program, Small Business Energy Conservation Loan Program and the Hazardous Waste Reduction Loan Program. Serves on California Industrial Development Financing Advisory Commission and the State Enterprise Zone/Economic Development Program Loan Committee.

STAFF COMMENTS:

Staff recommends the Market Development Committee approve membership of the Loan Committee at this meeting, and forward to the Board for final approval.

ATTACHMENTS:

Prepared by: Nadine Ford

Phone: 255-2397

Reviewed by: John Smith

Phone: 255-2401

Legal Review: mem

Date/Time 12/1/92 - 11:30AM

Disk file name: LOANCOMM.ITM

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM #17

ITEM: Consideration of Local Government Innovations Program

COMMITTEE ACTION:

The Administration Committee approved the attached Request for Proposals at its December 7 meeting.

BACKGROUND:

At its September meeting, the Board approved the expenditure of contract funds for a local government grants program. The program was funded by combining two contract concepts (which the Board felt could be completed by local governments), other contract funds and funds from the Tire Recycling and Management Account. The breakdown of funds for the program is as follows:

- | | | |
|----|---|-----------|
| A. | Source Reduction (chosen for the discretionary portion of funds allocated to the program) | \$ 94,000 |
| B. | Integrated Waste Management Community Awareness and Training in Disadvantaged Communities | \$200,000 |
| C. | Local Recycling Coordinator Training | \$100,000 |
| D. | Waste Tire Management | \$473,000 |

The attached Request for Proposals summarizes the Staff approach to developing this grants program.

ANALYSIS:

The Public Resources Code (Sec. 40505) gives the Board the authority to enter into any contractual agreements necessary to support its statutory duties. Based on this authority, this program will operate on a contractual basis. The attached RFP will in effect solicit brief proposals from local government agencies for contracts with the Board. The Board will then select proposals based on criteria outlined in the RFP. Based on the information in the "winning" proposals, staff will then negotiate specific scopes of work and contracts with the selected local government agencies. At this point, the process will function much like the Board's other contractual agreements.

The RFP for the Local Government Innovations Program is distinguished from other contract RFPs the Board has issued in at least two ways:

- It does not specify the exact scope of work for each project. Rather, it outlines the general category for each subject and encourages local governments to develop innovative approaches within each subject area.
- The scoring and ranking criteria are more broad. This will allow staff greater flexibility in selecting projects for funding. In some cases, staff may choose to suggest changes in the proposed projects to insure that program dollars are used as efficiently as possible.

STAFF COMMENTS:

Staff requests approval to solicit proposals from local government based on the attached RFP.

ATTACHMENTS:

1. Draft Local Government Innovations Program Request for Proposals.

Prepared by: Edward Boisson Phone: 2204

Reviewed by: Caren Trgovcich Phone: 2207

Legal Review: LB Phone:

Integrated Waste Management Board

LOCAL GOVERNMENT INNOVATIONS PROGRAM
REQUEST FOR PROPOSALS

Contents

1. INTRODUCTION
2. MINIMUM ELIGIBILITY REQUIREMENTS FOR PROPOSALS
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 - Summary
 - Budget
 - Proposal Evaluation Criteria
5. PROPOSAL CATEGORY B: INTEGRATED WASTE MANAGEMENT COMMUNITY AWARENESS AND TRAINING IN DISADVANTAGED COMMUNITIES
 - Summary
 - Budget
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 - Budget
 - Proposal Evaluation Criteria
7. PROPOSAL CATEGORY D: WASTE TIRE MANAGEMENT
 - Summary
 - Budget
 - Proposal Evaluation Criteria
8. SUMMARY OF AWARD PROCESS AND TIME LINE
9. WHAT TO SUBMIT

1. INTRODUCTION

The Board is issuing this Request for Proposals (RFP) to provide California local governments an opportunity to develop innovative approaches to addressing integrated waste management issues. In addition to its mandate to assist local agencies in achieving integrated waste management objectives (PRC Sec. 42540 (d) & (f)), the Board's motivations for this program include a desire to:

- financially support local efforts to successfully implement integrated waste management programs;
- identify and support innovative approaches to integrated waste management challenges and opportunities; and
- promote the exchange of valuable information among California jurisdictions.

The Public Resources Code (Sec. 40505) gives the Board the authority to enter into any contractual agreements necessary to support its statutory duties. Based on this authority, the Local Government Innovations Program will function on a contractual basis. This RFP solicits proposals for contracts with local government agencies in four specified proposal categories. The Board will select the best proposals based on specified evaluation criteria and negotiate contractual agreements based on the selected proposals. Local agencies will then complete the project as a contractor to the Board.

The total budget for this program is \$867,000, and is allocated among four proposal categories:

- Source Reduction (\$94,000)
- Small Business Development in Disadvantaged Communities (\$200,000)
- Local Recycling Coordinator Training (\$100,000)
- Waste Tire Management (\$473,000)

The figures above are the maximum allotments for each proposal category. The maximum amount for any one proposal varies and is specified under each category. The source reduction and waste tire management categories require a minimum 25% local match. The other two categories have no minimum, required local match. Any appropriate source of local matching funds, not derived from the Integrated Waste Management Board, is eligible, including in-kind services.

2. MINIMUM ELIGIBILITY REQUIREMENTS FOR PROPOSALS

To be eligible, each proposal must satisfy all of the following minimum eligibility requirements:

- Project proposals must be submitted by a California local government agency, and be received on or before the due date listed in Section 8.
- Project proposals must contain all required information, as listed in Section 9.
- Projects must be managed by a local government agency, although subcontractors may be used as appropriate.
- Proposals must identify a secured source of matching funds, if required by the applicable proposal category. Any appropriate source of local matching funds, not derived from the Integrated Waste Management Board, is eligible, including in-kind services.
- Proposals must include a signed resolution by the jurisdiction's governing body supporting the project, and assuring the availability of any identified matching funds.
- The benefits of the proposed project must be potentially transferable to other California cities and counties.
- Each proposed project must include preparation of a brief final report, including the following:
 - Summary of project goals, methods and results.
 - Discussion of transferability of the project to other California cities and counties.
 - Discussion of barriers encountered in the project, and methods for overcoming them.
 - Recommendations for future efforts by California cities and counties related to the project.
 - Discussion of the economics of the project, including a complete accounting of costs, revenue sources and potential impacts.

3. GENERAL SCORING CRITERIA AND SELECTION PROCESS

Each proposal which meets the minimum eligibility criteria listed in Section 2 will be scored and ranked based on criteria as listed below. The Board retains the right to partially fund selected projects, and to make project selection contingent upon specified changes in the project proposal.

- Category-specific criteria, as listed in each proposal category. (50 points)
- Ability of the proposed project to successfully accomplish its stated goals within the stated budget. (30 points)
- Potential transferability of the project's approach to California cities and counties located in all geographic areas of the state. (10 points)
- Innovative nature of the project. (10 points)

4. PROPOSAL CATEGORY A: SOURCE REDUCTION

Summary

Despite its position at the top of the integrated waste management hierarchy, alternatives for local source reduction programs remain poorly understood. Most source reduction programs planned by California's cities and counties fall into three categories: technical assistance (e.g., backyard composting, waste evaluations); education and promotion (e.g., precycling campaigns, award programs); and rate structure modifications (e.g., variable can rates). The effectiveness of most of these approaches is not well understood, and consequently few resources have been devoted to these programs.

This category solicits proposals for local source reduction programs in these or other areas. Proposers are encouraged to develop innovative approaches to reduce waste generation in their community. Proposals should identify the targeted population and identify a mechanism for evaluating the effectiveness of the approach, including costs, reduced waste generation and savings.

Budget

Total available: \$94,000

Maximum per proposal: \$20,000 + 25% minimum local match

Proposal Evaluation Criteria

Each eligible proposal will be scored and ranked based on the criteria listed in Section 3, as well as the category-specific criteria listed below.

- Potential for success in demonstrating the effectiveness of an approach to reducing total waste generation by a targeted population. (35 points)
- Potential for the project to build on existing source reduction efforts and experience statewide. (10 points)
- Ability to quantify the effectiveness of the project in meeting its stated goals. (5 points)

5. PROPOSAL CATEGORY B: INTEGRATED WASTE MANAGEMENT COMMUNITY AWARENESS AND TRAINING IN DISADVANTAGED COMMUNITIES

Summary

California's disadvantaged populations are woefully under-represented in the integrated waste management field. One reason for this is a lack of awareness of opportunities available in this industry. There are many reasons why it is important to solicit involvement from diverse groups in the integrated waste management field. First, California is rapidly becoming a majority minority state. To gain the support of all Californians and their participation in the numerous programs that will be developed and implemented over the next several years, they must be given the information to be involved. Their active participation is imperative if integrated waste management programs are going to succeed and the integrated waste management goals for 1995, 2000 and beyond are to be realized. Second, the integrated waste management field is still in its infancy. There are numerous complex issues to be resolved. All the creative energy available should be harnessed to resolve these issues. The minority community is a relatively untapped resource. Third, it is important to involve every ethnicity in the ground floor so that everyone can share in business ownership and profits to provide employment in disadvantaged communities.

To address this issue, this category solicits proposals for projects designed to educate disadvantaged groups about business and employment opportunities in the field of integrated waste management. Proposers are encouraged to develop innovative pilot projects which address this issue.

The Board envisions that four pilot projects be designed and conducted in four disadvantaged communities. At a minimum, proposed projects should:

- Secure support from local leadership to gain assistance in targeting minority professional and community groups.
- Directly contact and work with a wide range of disadvantaged persons.
- Identify, contact and involve minority leadership and professional groups (e.g., Black MBAs, Chinese Chamber of Commerce, etc.) to assist in outreach to targeted communities.
- Conduct outreach activities to targeted communities, possibly including educational and technical workshops for disadvantaged populations.

- Maintain support for the project through development of a professional association, newsletter, and/or other mechanisms as deemed appropriate.

Budget

Total: \$200,000

Maximum per proposal: \$50,000 (no required local match)

Proposal Evaluation Criteria

Each eligible proposal will be scored and ranked based on the criteria listed in Section 3, as well as the category-specific criteria listed below.

- Potential for success in increasing the understanding and awareness of integrated waste management issues and opportunities in the targeted community. (35 points)
- Local support and involvement in the project, including a commitment by local community-based organizations to participate in the project. (15 points)

6. PROPOSAL CATEGORY C: LOCAL RECYCLING COORDINATOR TRAINING

Summary

Cities and counties across the state are hiring staff to oversee waste reduction and recycling programs, frequently titled "Recycling Coordinators." Typical duties for recycling coordinators include developing and implementing programs identified in Source Reduction and Recycling Elements, and monitoring and evaluating program results. Because integrated waste management is such a new field, many of the persons hired as recycling coordinators may not possess the full range of experience necessary to perform their duties. In addition, there has been little opportunities for cities with well-developed waste reduction and recycling programs to share their experience and coordinate programs with other cities.

To address this need, this category solicits proposals to provide training and networking opportunities to city and county staff responsible for implementing Source Reduction and Recycling Elements. The Board intends that one or more jurisdictions with well-established programs will sponsor symposia in which staff from other jurisdictions may participate. The symposia may be

organized by a private contractor, but feature the expertise of staff well experienced in implementing waste reduction and recycling programs.

The focus of the training should be on the nuts-and-bolts skills required to perform the typical duties of a recycling coordinator, and may include RFP development, contract management, program monitoring and evaluation, public outreach and market development opportunities. Proposed projects may also be focused on developing forums for networking among various cities and counties.

The above is not intended to limit the scope of proposed projects. Proposers are encouraged to develop innovative approaches for providing training and practical networking opportunities for the state's local waste reduction and recycling officials.

Budget

Total: \$100,000

Maximum per proposal: Proposals may range as high as the maximum available. (no required local match)

Proposal Evaluation Criteria

Each eligible proposal will be scored and ranked based on the criteria listed in Section 3, as well as the category-specific criteria listed below.

- Potential for providing high quality, practical information to assist recycling coordinators in performing their duties. (25 points)
- Ability of the project to disseminate the experience of California cities with well-established waste reduction and recycling programs to other cities with less experience. (15 points)
- Ability of the project to create long-lasting opportunities for networking and sharing practical information regarding implementation of waste reduction and recycling programs. (10 points)

7. PROPOSAL CATEGORY D: WASTE TIRE MANAGEMENT

Summary

Discarded tires represent an enormous loss of useful resources. Of the estimated 28.2 million car and truck tires discarded in California in 1992, 4.5 million were reused, exported or retreaded. Approximately 23.7 million tires were burned as fuel, marketed as secondary materials, landfilled, stockpiled or illegally dumped. Because scrap tire generation is directly proportional to population, this number will increase because the population of California is growing. In addition, uses must be found for the estimated 20 to 32 million scrap tires collected in stockpiles throughout the state.

This category solicits proposals to address the problem of waste tire management. Proposed projects will be in three sub-groups, as follows:

A. Market Development Projects

This sub-group includes feasibility studies for regional tire recycling businesses, recruitment of California entrepreneurs, recruitment of out-of-state businesses to California, and local end-use demonstration projects such as rubber modified asphalt projects. Preference will be given to examination of businesses which produce crumb rubber from whole tires. The studies could include, but not be limited to analysis of: capital requirements, financing availability, economic feasibility, marketing and competitiveness, evaluation of available technologies, regulatory barriers and other factors. The results of the studies could be used as the foundation of recruitment efforts in brochures, advertisements and other promotions.

B. Collection and Processing Projects

This sub-group includes research, development and demonstration of innovative collection and processing systems for used tires. Projects could include documenting costs of collection and storage, testing new processing technologies or documenting the generation and available supply of used tires in a given region.

C. Illegal Disposal Clean-Up and Public Education Projects

This sub-group includes projects focused on cleaning up illegally disposed tire piles and educating the public in an effort to decrease illegal disposal of used tires. Projects could include clean-up of illegal tire piles, holding an "amnesty day" in which anyone may bring tires to a designated location free of charge, mobilizing local volunteers to help clean up illegally disposed tires, and an associated, aggressive public education campaign.

Budget

Total available: \$473,000

Approximate Breakdown:

Sub-Group A.	\$200,000
Sub-Group B.	\$150,000
Sub-Group C.	\$123,000

Maximum per proposal:

Sub-group A.	Up to \$40,000 each + 25% minimum local match
Sub-group B.	Up to \$30,000 each + 25% minimum local match
Sub-group C.	Up to \$30,000 each + 25% minimum local match

Proposal Evaluation Criteria

Each eligible proposal will be scored and ranked based on the criteria listed in Section 3, as well as the category-specific criteria listed below.

For sub-groups A and B:

- Potential for demonstrating cost-effective solutions to critical barriers to regional and statewide tire recycling. (35 points)
- The ability of the proposed project to integrate with existing or proposed solid waste management activities, especially within the geographic area or region that the project would serve in California. (15 points)

For sub-group C:

- Potential for identifying and cleaning up illegally disposed tires from the identified geographic area. (25 points)
- Potential for increasing public awareness and understanding of tire disposal and recycling issues. (25 points)

8. SUMMARY OF AWARD PROCESS AND TIME LINE

The timeline for the Local Government Innovations Program is as follows:

- Early January - The Board mails this RFP requesting brief proposals for contracts with local governments in four specified categories.
- Late January/Early February, 1993 - The Board holds a Proposers Meeting to answer questions regarding this RFP.
- March 1, 1993, 4:00 p.m. - Deadline for submission of proposals developed by local government agencies.
- Late April, 1993 - The Board selects the best proposals based on minimum eligibility criteria, general and category-specific evaluation criteria.
- By June 1, 1993 - The Board negotiates and signs contractual agreement with selected local government agencies.
- By June 1, 1994 - Local governments complete contract and provide the Board with final products as agreed to in contract negotiations.

9. WHAT TO SUBMIT

A local government agency may submit proposals in one or more categories. More than one proposal may be submitted in each category, but no single proposal may exceed the maximum dollar amount specified for that category.

Proposals should be brief, approximately 5 to 10 pages. Each proposal must include all of the following information:

1. One-Page Proposal Cover Sheet identifying:
 - the project title
 - the category and sub-group to which the proposal is responding
 - a very brief abstract summarizing the project
 - the total proposed budget requested and amount of local matching funds (if applicable)
 - the jurisdiction and department submitting the proposal
 - the name, title, address and phone number of the applicant

2. Project Summary

- Goals of the project
- Need for the project
- Demonstration of eligibility of project
- Discussion of how the project addresses the general and category specific evaluation criteria
- Anticipated results and benefits of the project

3. Project Workplan

- Who will manage the project?
- Who will perform the work?
- Brief statement of qualifications of key staff
- Schedule of tasks to be completed
- Identify final products of the project (each project must include a brief final report, as identified in Section 2).

4. Project Budget

- Schedule of itemized costs, identifying uses of Board and local matching funds
- Adopted resolution by the jurisdiction's governing board, assuring availability of designated matching funds

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

DECEMBER 16, 1992

AGENDA ITEM 18

ITEM: Consideration of Adoption of the California Tire Recycling Management Fund: FY 1992-93 Policy

COMMITTEE ACTION:

Preparation of this item occurred before Committee action was taken on December 7, 1992.

BACKGROUND:

Assembly Bill 1843 (Public Resources Code §42800 et. seq.) placed two chapters in the Public Resources Code requiring the California Integrated Waste Management Board (Board) to establish a permit program for the storage and disposal of waste tires and to implement the California Tire Recycling Act, which initiates a tire recycling program to promote and develop markets for used tire products as alternatives to the landfill disposal and stockpiling of used whole tires. Proposed activities to be incorporated into the used tire program include the awarding of grants, subsidies, and loans; the development and implementation of an information and education program including seminars and conferences; and the issuance of permits for waste tire facilities and the enforcement of permitting requirements and technical standards.

To provide funding for the tire recycling program, the California Tire Recycling Management Fund (Fund) was created. Revenue for the Fund is generated by persons leaving tires for disposal with sellers of new or used tires. A \$0.25 fee is assessed for each tire left for disposal. Collected fees, less ten percent retained by the seller for administrative costs, are deposited quarterly into the Fund. Monies in the Fund are appropriated to the Board through the annual Budget Act.

Activities potentially funded under the Tire Recycling Act include the awarding of grants, subsidies, loans, or contracts to promote alternatives to the landfill disposal of used whole tires; the development and enforcement of waste tire facility regulations; the costs of cleanup or other remedial action; and local assistance. To allocate monies between these competing uses, Board staff from each Division worked to reach a consensus.

ANALYSIS:

For FY 1992-93, the Board has a total spending authority of \$4,563,000 from the Fund. A portion of this amount, however, is already obligated. Current contract obligations total

\$1,684,000, including \$473,000 for the Local Government Innovations Program. Administrative costs include \$471,000 for the Board of Equalization to manage the Fund and \$514,000 for CIWMB staff. After these expenditures, the remaining spending authority totals \$2,365,000. Board staff is proposing an allocation of the remaining monies amongst the various programs.

Local Government Innovations Program

A part of the Local Government Innovations Program is funded by monies from the Tire Fund in the amount of \$473,000. These monies were allocated as part of the Board's contract approval in September and will be made available to local governments to encourage innovative approaches to waste tire management.

Remedial Action

Permitting and Compliance Division staff has identified three areas of need for funding which total \$615,000. First is tire pile identification and site ranking, second is retaining an expert on extinguishing fires in tire piles, and third is cleanup and abatement activities at illegal or abandoned piles.

Market Development Zone Loan Program

An amount of \$1,000,000 would be provided to augment the Market Development Zone Loan Program, and would be used only for tire-related activities. This allocation is an efficient use of staff resources as it is not feasible to implement and administer a separate loan program under the Tire Recycling Act for FY 92-93.

By providing additional funds for the Market Development Zone Loan Program for tire-related activities, the Board will be augmenting the limited existing funds. To be able to use these funds, the Market Development Zone Loan Program regulations will require amendment to include tire-related activities. The amendment will be brought to the committees and Board at a later date if staff is so directed.

Research and Business Development Grants

The Tire Recycling Program, as set up by AB 1843, may include the awarding of grants to businesses, enterprises, and public entities involved in activities and applications that result in the reduced landfill disposal or stockpiling of used whole tires. An amount of \$750,000 would be made available for grants; in addition, any unexpended funds remaining from remedial action grants after April 15, 1993 would revert to the Grant Program for use this fiscal year.

Staff is proposing establishment of two categories of grants: research grants and business development grants. The research grants would be for amounts up to \$100,000 for activities including, but not limited to, innovative research into equipment

and process improvements, crumb rubber and granulate production, civil engineering uses, and new types of uses. The business development grants would be available in amounts up to \$50,000 for business plan development, business research, regulatory analysis, economic analysis, and testing.

To award grants this fiscal year, staff has developed a solicitation and grant application package which instructs the applicant how to apply for grant funding and the criteria on which the award will be based.

RECOMMENDATION:

After much research, discussion, and analysis, staff recommends the following expenditures for the remaining spending authority.

Remedial Action

Staff recommends that \$615,000 be allocated for Remedial Action, upon recommendation of Permitting and Compliance staff.

Recommended funding for FY 1992-93: \$615,000

Market Development Zone Loan Program

Staff recommends that \$1,000,000 be provided for loans through the Market Development Zone Loan Program.

Recommended funding for FY 1992-93: \$1,000,000

Research and Business Development Grants

Staff recommends that \$750,000 be allocated for grants. Larger Research and Development Grants (up to \$100,000) for innovative research and smaller grants (up to \$50,000) are available for business development through the solicitation process.

Recommended funding for FY 1992-93: \$750,000

STAFF COMMENTS:

Staff recommends Board approval of the allocation of the California Tire Recycling Management Fund: FY 1992-93 Policy, as included in the resolution (Attachment #1).

ATTACHMENT:

1. Resolution 92-____, Adoption of the "California Tire Recycling Management Fund: FY 1992-93 Policy"

California Integrated Waste Management Board
December 16, 1992

Agenda Item 18
Page 4

Prepared by: ^{TD} Thomas Dietsch/^{RE} Ranny Eckstrom/Martha Gildart Phone _____

Reviewed By: Martha Gildart MG 12/3 Dietsch 12/3 Phone 255-2414

Legal review: [Signature] Date/Time 12-4-92

ATTACHMENT 1

California Integrated Waste Management Board
Resolution 92-
December 16, 1992

Adoption of the
California Tire Recycling Management Fund
FY 1992-93 Policy

WHEREAS, The State of California is faced with an inventory of at least 25 million tires, posing a health and safety risk to all Californians; and

WHEREAS, The State of California is faced with an ever decreasing amount of landfill capacity; and

WHEREAS, The Tire Recycling Act (Public Resources Code [PRC] 42800 et. seq.) requires the reduction of the landfill disposal and stockpiling of used whole tires by 25 percent within four years of full implementation of a statewide tire recycling program and to recycle and reclaim used tires and used tire components to the greatest extent possible in order to recover valuable natural resources; and

WHEREAS, PRC Section 42871(a) requires the California Integrated Waste Management Board (hereinafter referred to as the "Board") to initiate a tire recycling program which promotes and develops alternatives to the landfill disposal and stockpiling of used whole tires; and

WHEREAS, It is the intent of the Legislature for the Board to permit waste tire stockpiles, develop standards for the storage of waste tires, and to take enforcement action; and

WHEREAS, The tire recycling program may include the awarding of grants and loans to businesses, other enterprises, and public entities involved in research aimed at developing technologies or improving current activities and applications that result in reduced landfill disposal of used whole tires; and

WHEREAS, The Board appropriated \$3,563,000 from the California Tire Recycling Management Fund to fund tire programs in FY 1992-93; and

WHEREAS, an additional spending authority of \$1,000,000 from the Environmental License Plate Fund (bringing the total spending authority of the Board to \$4,563,000) expires on June 30, 1993, and the additional spending authority will allow the use of \$1,000,000 to supplement the Market Development Zone Loan Program for tire related projects this FY ; and

WHEREAS, Staff prepared a report entitled, "California Tire Recycling Management Fund: FY 1992-93 Policy"; and

WHEREAS, The Administration Committee, on December 7, 1992, considered this issue and changes were made accordingly; and

WHEREAS, The Board intends to reallocate the spending authority of the Fund each year.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following funding allocations from the California Tire Recycling Management Fund for FY 1992-93; and

<u>Total Spending Authority</u>	<u>\$4,563,000</u>
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Existing Obligations

Fund Administrative Costs	\$514,000
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Contracts	\$1,211,000
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<u>CalTrans</u>	\$500,000
<u>Board of Equalization</u>	\$471,000
<u>Permit Enforcement Manual</u>	\$100,000
<u>Pyrolysis</u>	\$100,000
<u>Tire Ash</u>	\$ 40,000

Local Government Innovations Program	\$473,000
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Market Development Projects

Regional Feasibility Studies for tire recycling businesses; recruitment of entrepreneurs and out-of-state businesses; local Rubberized Asphalt project.

Collection & Processing Demonstration Projects

R & D of innovative collection and processing systems for used tires.

Illegal Disposal Cleanup & Public Education Projects

Remaining FY 1992-93 Fund Allocations

Remedial Action

\$615,000

Waste tire pile identification (Contract)

Estimation of tires per pile (Contract)

Retainer contract with an expert on
tire fires (Contract)

Corrective Site Remediation (Grants)

Market Development Zone Loans

\$1,000,000

For tire-related projects that comply
with the existing regulatory criteria.

Research and Business Development Grants

\$750,000

Research and Development

Up to \$100,000 for innovative research
projects.

Business Development and Feasibility
Demonstration

Up to \$50,000 for research, technical
validation, market and business plans,
and economic analysis.

BE IT FURTHER RESOLVED that if staff does not identify specific uses for the Remedial Action Grant funds by April 15, 1993, any of the remainder may be used for Research and Business Development Grants; and

BE IT FURTHER RESOLVED that the Board hereby directs staff to issue a solicitation for grant applications; and

BE IT FURTHER RESOLVED that the Board directs staff to amend the Market Development Zone Loan Program regulations to accommodate the use of the California Tire Recycling Management Fund; and

BE IT FURTHER RESOLVED that any funds from this program that are repaid to the Board by grant, loan, or contract recipients, will be repaid to the California Tire Recycling Management Fund.

Certification

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on December 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

DECEMBER 16, 1992

AGENDA ITEM 19

ITEM: Consideration of Invitation for Bid to Purchase
Obsolete Non-Confidential Records and Waste Paper,
CIWMB-SAC, CIWMB-SF

COMMITTEE ACTION: Passed

BACKGROUND: Effective January 1, 1990, SB 1322 (Bergeson, 1989) Chapter 1096, and AB 4 (Eastin, 1989), Chapter 1094, established Board responsibility for a comprehensive set of State programs including a waste paper collection program. As part of the recycling plan required in AB 4, the Department of General Services transferred Project Recycle to the Board. One of the requirements of this program is that the Board contract out to waste paper buyers for the purchase of waste paper generated in State buildings. This contract only covers State buildings in which Office of Buildings and Grounds personnel move paper to dock level in Sacramento and San Francisco Bay Area. The current contract expires June 30, 1993.

The contract will provide for payment to the Board for the sale of waste paper. Per Public Contract Code Section 12167, monies derived from the sale of recyclables can be used to offset recycling program costs. The program costs consist of recycling equipment and promotional materials.

As in the past, the new contract will be awarded based on the high net bid for all grades of paper in a geographic location. The types of paper grades to be collected and sold are: tab cards, computer paper, white ledger, colored ledger, mixed waste paper, corrugated cardboard, and newspaper.

ANALYSIS:

The Invitation for Bid and the Scope of Work are attached. The Scope of Work contains the following minimum bid requirements:

1. **Qualifications**-Bidder must have a fully operational plant within the geographic region in which the bidder offers a quotation. This plant shall have been in operation not less than one year prior to bid due date.
2. **Client References**-Each bid will include a minimum of three client references that attest to the bidder's qualifications to collect obsolete non-confidential records and waste paper.

3. **Performance Bond/Letter of Bondability/Certificate of Deposit/Irrevocable Letter of Credit**-A letter from an authorized Surety Company must be submitted with the proposal stating that if the company is the successful bidder, a bond in the amount of 25 per cent of the total bid will be furnished to the State, guaranteeing the contractor's performance in all respects to terms and conditions of this bid and the resulting contract.
4. **Bid Prices**-Bid prices must be submitted on the Bidder's Proposal Worksheet. Bidder must complete all blanks provided within the geographic area quoted.

STAFF COMMENTS:

Upon the Committee's approval of the Technical Specifications, staff will prepare the Invitation For Bid and place an advertisement in the Contracts Register. The successful bidder will be that contractor that submits the highest dollar amount for the purchase of collected waste paper.

ATTACHMENTS:

1. Technical Specifications for the Purchase of Obsolete Non-Confidential Records and Waste Paper, CIWMB-SAC, CIWMB, SF.

Prepared by: James Cropper *Juan Walkley for J.C.* Phone 255-2381
Reviewed by: Mitch Delmage *MD* Phone 255-2383
Legal review: *[Signature]* Date/Time 12-9-92

II. TECHNICAL SPECIFICATIONS

Scope

Purpose of Bid - By signature of this bid, the contractor accepts responsibility for assuring that all recyclable paper is, in fact, recycled and remanufactured into usable products.

Pickup-Points - All expense of pickup and loading shall be borne by the contractor. State personnel will not assist in loading contractor's trucks. If requested, the Employment Development Department will assist the contractor in hiring help at day labor rates.

Unless otherwise specified, contract material is to be picked up by the contractor as is and where is, at the place of business of the State agency requesting pickup. Most pickups can be made from dock level or street level locations. The contractor shall make pickups within (3) workdays after request, except where otherwise stated in this bid.

State agencies shall present all materials in contractor's bulk containers, or in (clearly marked "FOR RECYCLING") corrugated cartons or comparable containers of sufficient strength (durability) to not break open.

Specific State Offices - The following locations are expected to participate in the contract resulting from this bid. However, locations or agencies may be added or deleted with agreement of contractor, as deemed necessary without affect on price, terms, or conditions of this bid or the resulting contract.

Bidders may submit bids for one or both of the separate geographic regions.

1) Sacramento/Stockton, 2) San Francisco.

Sacramento/Stockton

Air Resources Board	1301 T St./1800 15th St./2020 L St
Boating & Waterways	1629 S St.
Consumer Affairs	400 R St./10240 Systems Parkway
Consumer Affairs	9835 Goethe Rd.
Education	721 Capitol Mall
Education (Warehouse)	401 N. 3rd St.
Employment Development	9815 Goethe Rd./751 N St
Employment Development	800 Capitol Mall
Employment Development (Whse)	6161 27th St./805 R St
Energy Commission	1516 9th St //
Board of Equalization (Whse)	3920 West Capitol
Dept. of Finance	915 L St
Fish & Game	3211 S St
Food & Agriculture	1220 N St
General Services	625 Q St./8583 Elder Creek
General Services (Records Center)	1501 Cebrian
General Services (Destruction Center)	3240 Industrial Blvd
Gov. Office of Plan. & Research	1400 10th St.
Health Services	10151 Croyden Way
Health Services	714 P St./744 P St
Health Services	1103 N. B St
Health & Welfare Data Center	1651 Alhambra Blvd.
Highway Patrol	2200 X St./444 N 3rd St
Highway Patrol	2490 1st Ave./2555 1st Ave

Housing & Community Dev.
Jess Unruh Bldg.
Justice
Legislative Analyst
Legislative Office Bldg.
Library & Courts
Mental Health
Military
Motor Vehicles
Motor Vehicles (Whse)
Parks & Recreation
Personnel Board
Prison Industry Authority
Resources Bldg.
Social Services
State Capitol
Stockton State Office Bldg.
Teale Data Center
Transportation
Transportation
Veterans Affair
Water Resources
Water Resources Control Brd.
Water Resources Control Brd.

1800 3rd St.
915 Capitol Mall
1718 3rd St./4949 Broadway
925 L St.
1020 N St.
914 Capitol Mall/600 Broadway
1600 9th St.
2829 Watt Ave.
2415 1st Ave./2740 24th St.
4500 Pell Dr.
730 S. Beckman Rd (Lodi)
801 Capitol Mall
560 East Natomas (Folsom)
1416 9th St.
1500 5th St./1700 9th St.
11th & O
31 Channel St (Stockton)
2005 Evergreen St.
34th & Stockton/1120 N St.
S. B & Charter (Stockton)
1227 O St.
1801 6th St.
3443 Routier Rd.
901 P St.

San Francisco

Health Services
Public Utilities Comm.
State Office Building
Dept. Of Transportation

2151 Berkeley Way #132 (Berkeley)
505 Van Ness
350 McAllister/444 Polk/455 Golden Gate
111 Grand Ave./3220 22nd St.

Minimum Pickup - The minimum pickup will be 400 lbs. per location unless the contractor agrees to accept a smaller quantity.

NOTE: In the event that a full truckload of paper is obtained by the contractor from a single pick-up point, the required weight slip must be issued by an unaffiliated Weighmaster, currently certified by the State of California, Department of Food and Agriculture, Division of Measurement Standards.

Upon making each pickup at the State agency, contractor's trucker or contractor's driver is required to leave a receipt with a representative of the State, for the amount and grade of paper.

The State will not be held liable for any loss or damage sustained by the contractor in connection with pickup of its paper. Contractor shall collect paper in an efficient, safe and competent manner.

The contractor shall demonstrate due caution in loading materials while on State agency premises.

All paper, regardless of its classification, shall be handled by the contractor in such a manner as to prevent loss or unauthorized inspection at any time.

Vendor shall, with mutual consent of each agency, provide collection containers of appropriate size and configuration for the particular location. Such containers shall be approved by the State Fire

Marshal, maintained in a clean, well-painted condition and neatly lettered to clearly identify the purpose for the container throughout the contract period.

The State disclaims and the contractor acknowledges ownership, responsibility (for upkeep) and liability for loss of, or damage to, such containers.

While in transit, paper shall be secured in a sealed, fully enclosed van or bin, or shall be "tarp" and securely "tied down" with "V" boards to prevent loss or unauthorized inspection.

While in contractor's plant or any other location in which the contractor deposits State of California paper, it shall be kept in a secure area.

DEFINITION OF PAPER GRADES

For the purpose of this bid, the grades are based on Circular PS-91 standards and shall be defined as follows:

NOTE: Brackets () with numbers inserted, refer to column headings in Circular PS-91 publications.

Tab Card Stock: Consists of manila-colored cards, predominantly sulphite or sulphate, which have been manufactured for use in tabulating machines. This grade may contain manila-colored tabulating cards with tinted margins. Price base: Manila Tabulating Cards (37)

Computer Stock: Consists of white sulphite or sulphate papers in forms manufactured for use in data processing machines. This grade may contain colored stripes and/or impact or non impact (e.g. laser) computer printing, and may contain not more 5% groundwood in the packing. All stock must be untreated and uncoated. Price base: Computer Printout (42)

Sorted White Ledger: Consists of printed or unprinted sheets, shavings, guillotined books, quire waste, and cuttings of white sulphite or sulphate ledger, bond, writing paper, and all other papers which have similar fiber and filler content. This grade must be free of treated, coated, padded or heavily printed stock. Price base: White Ledger (40)

Sorted Colored Ledger: Consists of printed or unprinted sheets, shavings, and cuttings of colored or white sulphite or sulphate ledger, bond, writing, and other papers which have a similar fiber and filler content. This grade must be free of treated, coated, padded or heavily printed stock. Price base: Colored ledger (38)

Mixed Waste Paper: Consists of a mixture of various qualities of paper not limited as to type of packing or fiber content. Price base: Mixed Paper (1)

Corrugated: Consists of corrugated containers having liners of either test liner, jute or kraft. Price base: Corrugated Containers (11)

Baled Corrugated: Consists of baled corrugated containers having liners of either test liner, jute or kraft. Price base: Corrugated Containers (11)

News: Newsprint and newspaper, including but not limited to: legislative bills, all papers that come with old newspapers, and newsprint. Price base: News (6)

Book Stock: Hard or soft cover with glued, laminated, stitched, or spiral bindings (does not include staple bound material) Price base: News (6)

Contaminants*

"Slick" or "Coated" Paper

Garbage

Slick Magazines

Tablet Bindings

Cellophane Tape

Memo Stencils

Blueprint Paper

Goldenrod Paper

Thermal FAX Paper

All Plastic

Carbon Paper

Window Envelopes

Adhesives

Ditto Masters

Photographic Paper

String

Rubberbands

Paper Ream Covers (Xerox paper wrappers)

* must not exceed 5% of total volume

If two or more grades are mixed into the same unit container by more than 5% (by volume), the lower quality grade will be the basis for payment.

Contractor must notify the State prior to disposal of the paper if paper is to be downgraded to colored ledger or lower. The State shall be granted one work day to inspect the paper prior to its disposal by the contractor.

One work day is hereby defined as the next working day for State employees from time of notification by contractor that downgrading is intended. **If the State is not notified prior to disposal of the paper, the State will not accept any payment less than that of white ledger.**

EXAMPLE: If contractor calls the California Integrated Waste Management Board on Wednesday, the State would be required to respond before 4:00 p.m. on Thursday. If the contractor calls on Friday, the California Integrated Waste Management Board would be required to respond before 4:00 p.m. on Monday. If Monday is a holiday, Tuesday at 4:00 p.m. would be the deadline to respond.

Prices - Prices paid to the State for waste paper under this contract will be based on "mill prices". **Mill price for all grades will be established by mill invoices supplied by the contractor.** Invoice shall include specific data such as seller, seller address, buyer, buyer address, F.O.B. shipping point, invoice number, invoice date, paper grade, quantity, unit price, and total amount. Mill invoices shall be sent with remittance advice recaps.

Prices paid to the State shall be set at an average price paid the contractor minus contractor's profit for the specific grade during the month the State releases paper to the contractor. **Note:** All costs associated with the collection and handling of recyclable materials shall be included in the proposal for the specific period of performance (in this case, two years).

The State reserves the right to review contractor's records associated with the sale of waste paper to the mills in order to verify invoice prices. The contractor shall preserve these records for the period of the contract plus three years and make them available upon request. Appropriate documentation for price verification will include, but is not limited to, "delivery receipts", receiving reports from mills and bills of lading. The contractor may, with the consent of the California Integrated Waste Management Board (in writing), offer other documentation for price verification. This alternate documentation must be accepted by the State prior to presentation as substantiation of price.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

DECEMBER 16, 1992

AGENDA ITEM 22

ITEM: CONSIDERATION OF CRRA WORKSHOP COSPONSORSHIP

COMMITTEE ACTION:

This item was heard at the Legislation & Public Affairs Committee on December 8, 1992. A motion was passed to cosponsor the workshop pending Board approval.

BACKGROUND:

On March 26, 1993, CRRA is sponsoring a training course for manufacturers to assist them in expanding their businesses in California. CRRA is contracting with the National Development Council (NDC) to conduct their "Financial Management for Entrepreneurs" course. CRRA has requested that the Board cosponsor this training course for \$2500 to help defray the \$4000 cost of the course.

The Legislation and Public Affairs Committee considered this item on November 17, 1992. At that meeting, the Committee raised a number of issues. These issues included identification of the target groups for course participation and final Board approval of those invited to attend the course. At its November 18, 1992 meeting the Board referred this item to the LPAC for continued discussion and resolution of the outstanding issues.

ANALYSIS:

The target audience of this training course is primarily end-use manufacturers of recycled products. Particular emphasis will be placed on identifying small businesses with limited access to financial resources and limited knowledge of financial mechanisms.

To address the concern that participants be selected in an equitable manner since course attendance will be by invitation-only, the Board will have the final approval of the participant list. CRRA will work in conjunction with staff in the Market Development Branch to identify and invite those manufacturers who use secondary materials as feedstock. In addition, CRRA will contact Recycling Market Development Zone administrators to identify as potential course participants specific companies who are participating in their programs. As NDC has limited course participation to 50--the most effective class size--others will be allowed to attend on a space available basis only.

The agenda for the training course is attached. CRRA has requested that as the first item on the agenda, a Board member welcome the participants and make the necessary introductions.

CRRA has requested the Board to cosponsor this training course. They are seeking \$2500 to partially defray the \$4000 cost of hiring NDC to which CRRA has already committed. The remaining costs of this workshop will be paid by registration fees.

CRRA training course participation will be appropriated from the FY 92/93 Public Outreach budget, leaving a balance of \$44,406. Previous deductions have been for the State Fair and League of California Cities events.

STAFF COMMENTS:

One objective of the Board is to facilitate the development of markets for recycled materials and to facilitate the production of new products from recycled materials. This training course is geared to the needs of businesses interested in obtaining financing and would complement the technical assistance offered to small businesses through the Board's Recycling Market Development Zone Loan program.

The Board has contracted with NDC to provide economic development training for local government officials and Board staff; however, this training is distinct from and non-duplicative of the CRRA effort.

Prepared by: Sharron Leao Phone 255-2288

Reviewed by: Pat Macht Phone 255-2296

Legal Review:  Date/Time 12-9-92

Attachment: , Training Course Agenda

FINANCIAL MANAGEMENT FOR ENTREPRENEURS

Training Session Agenda

9:00 A.M.	WELCOME AND INTRODUCTIONS
9:30	ROLE OF FINANCIAL STATEMENTS IN FINANCIAL MANAGEMENT <ul style="list-style-type: none">• The Balance Sheet: A Source and Use Statement• The Profit and Loss Statement: Operations and Debt Capacity
10:00	OVERVIEW OF ACCOUNTS <ul style="list-style-type: none">• Balance Sheet<ul style="list-style-type: none">• Current Assets: Closest to Cash• Current Liabilities: Most Nervous• Long-Term Assets: Least Like Cash• Long-Term Liabilities: More Patient• Net Worth: Risk Capital• Profit and Loss Statement<ul style="list-style-type: none">• Revenues• Variable Expenses• Fixed Costs• Discretionary Expenses
12:00 Noon	LUNCH
1:00 P.M.	USING RATIO ANALYSIS TO EVALUATE FINANCIAL MANAGEMENT <ul style="list-style-type: none">• Analyzing the Balance Sheet<ul style="list-style-type: none">• Does the Company Collect its Bills?• Does the Company Pay its Bills?• Does the Company Control Inventory?• Have the Owners Demonstrated Financial Commitment to the Company?• Does the Company Have a Profitable Operating History?• Case Study A

3:30

**USING RATIO ANALYSIS TO EVALUATE FINANCIAL
MANAGEMENT (Cont'd.)****Analyzing the Profit and Loss Statement**

- . Is the Company Growing?
- . Does the Company Control Cost of Goods Sold?
- . Does the Company Control Fixed Overhead Costs?
- . Is the Company Truly Profitable?
- . Does the Company Have any Discretionary Cash Flow?

Case Study B

4:45

**SUMMARY OF FINANCIAL MANAGEMENT
TECHNIQUES**

5:00

ADJOURN

ITEM 23 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 12/9/92 MEETING.

BOARD MEMBERS ARE USING THE STAFF REPORT FOR THIS ITEM
FROM THE PERMITTING AND ENFORCEMENT COMMITTEE PACKET
IN AN EFFORT TO CONTRIBUTE TO SOURCE REDUCTION.

IF YOU DID NOT RECEIVE THE 12/9/92 PERMITTING
AND ENFORCEMENT COMMITTEE PACKET AND NEED
THE STAFF REPORT FOR THIS ITEM,
CONTACT ~~PAT CHARTERED~~ AT (916) 255-2156.
Cathy Foreman

ITEM 24 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 12/9/92 MEETING.

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CONTACT ~~PAT CHARTLAND~~ AT (916) 255-2156.
Cathy Foreman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 25

ITEM: Consideration of Certification and Designation of Nevada County Department of Environmental Health as the Local Enforcement Agency for the County of Nevada

COMMITTEE ACTION:

The Permitting and Enforcement Committee considered this item during its December 9, 1992 meeting. The Committee voted unanimously to approve the Enforcement Program Plan, issue the requested certification types, and approve the designation for the jurisdiction. This item was not placed on the consent calendar because of citizen comments and concerns surrounding the McCourtney Landfill.

BACKGROUND:

The Public Resources Code (PRC) requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction. Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute. The EPP shall embody the designation and certification requirements and demonstrate that the Local Enforcement Agency (LEA) meets all the requirements for the requested certifications. PRC Section 43204 states: "No enforcement agency may exercise the powers and duties of an enforcement agency until the designation is approved by the Board. After August 1, 1992, the Board shall not approve a designation unless it finds that the designated enforcement agency is capable of fulfilling its responsibilities under the enforcement program and meets the certification requirements adopted by the Board pursuant to PRC Section 43200."

For a local agency to have its designation as an enforcement agency approved by the Board, the enforcement agency must meet the following minimum requirements of statute and regulation:

1. Technical expertise.
2. Adequate staff resources.
3. Adequate budget resources.
4. Adequate training.
5. The existence of at least one permitted solid waste facility within the jurisdiction of the local agency.
6. No operational involvement in any of the types of facilities or sites it permits, inspects or enforces.
7. A sole enforcement agency per LEA jurisdiction.

The Board, after approval of the EPP, may issue certifications to the designated enforcement agency per Title 14 California Code of Regulations (CCR) Section 18071 for one or more of the following types of duties and responsibilities:

- "A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
- "B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities
- "C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities
- "D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

Therefore, to establish a LEA, the Board is required by statute and regulations to approve the enforcement agency's EPP, to issue certification(s), and approve the designation of the enforcement agency pursuant to PRC 43204.

ANALYSIS:

At the July 16, 1992 meeting, the Board granted a conditional certification to the Nevada County Department of Environmental Health to have continued responsibility over transfer/processing stations as the LEA until January 1, 1993.

The conditional certification was granted to allow Board staff sufficient time to complete document review and, if necessary, appropriate time for the agency to respond to comments.

The documentation provided in the DIP and EPP meet the general requirements of statute and regulation. Board staff finds that the DIP and EPP are complete and acceptable for the Board to consider the approval of the EPP, issuance of the requested certifications, and approval of the designation of the Nevada County Department of Environmental Health as the LEA for the County of Nevada (see attached fact sheet for detailed information).

All enforcement agency duties for the McCourtney Landfill have been performed by the Board since a Judgement Pursuant to Stipulation (JPS) went into effect in March 1991. The Board will maintain direct involvement with McCourtney Landfill until the JPS is terminated.

The following are the events that led up to the issuance of the JPS. On May 3, 1989, after the County failed to control

discharges of leachate from the facility in violation of a March 15, 1989, LEA Notice and Order (N&O), the Board issued its own N&O. The Board issued N&O stipulated that certain corrective actions be implemented to prevent further discharges of leachate and to bring the facility into compliance with State Minimum Standards. At the Board's request, the Attorney General's office also issued a formal complaint for civil penalties against the County on May 5, 1989.

On January 25, 1990, the Board amended its N&O to include additional terms and conditions, including an April 1, 1990, deadline for bringing landfill operations into compliance with the County's current Solid Waste Facilities Permit (SWFP) issued September 15, 1978. The County was also put on notice that the Board would petition the Superior Court for injunctive relief to enforce the provisions of the amended order. The civil complaint for penalties issued on May 5, 1989, was amended April 27, 1990, by the Attorney General's office, again at the Board's request.

The County was not able to comply with all the conditions of the amended April 27, 1990, N&O. To avoid expense, inconvenience, and the uncertainty of further litigation, the parties chose to resolve the action by stipulated settlement. On March 4, 1991, the parties entered into a Judgement Pursuant to Stipulation (JPS). The JPS stipulated certain corrective actions designed to bring the facility into compliance with State Minimum Standards and set a December 31, 1992, deadline for either a complete application for a revision to the County's SWFP or a Final Closure Plan and Postclosure Maintenance Plan. Furthermore, because the Nevada County Department of Environmental Health, the designated LEA, was not able to take effective enforcement action at the time, the JPS stipulated the Board to act as the enforcement agency for the purposes of regulating this facility.

The County has made notable progress, with Board staff guidance, in fulfilling the requirements of the JPS between issuance in March 1991 and the spring of 1992.

STAFF COMMENTS:

Board staff agree with the proposed EPP, recommend the issuance of the requested certifications and approval of the designation.

The Board has the following options:

1. Approve the EPP, issue the requested certification, and approve the designation for the jurisdiction.

2. Disapprove the EPP and/or not issue the requested certifications and therefore, disapprove the designation and appoint the Board as the enforcement agency for the jurisdiction.

3. Take no action. This option provides for no enforcement agency designation. The Board would need to perform the enforcement agency duties.

ATTACHMENTS:

1. A Designation and Certification Fact Sheet for the Nevada County Department of Environmental Health.
2. A CIWMB resolution for full certification of the Nevada County Department of Environmental Health for the jurisdiction of the County of Nevada and all its incorporated cities.

Prepared by: Jo Clement Phone 255-2357

Reviewed by: Mary T. Coyle *MC* Phone 255-2408

**DESIGNATION AND CERTIFICATION
FACT SHEET**

Nevada County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body and the designated enforcement agency indicated below:

Designating Local Governing Body:

Nevada County and all its cities

Designated Jurisdiction:

Nevada County.

Designated Enforcement Agency:

Nevada County
Department of Environmental Health

Facilities and Sites: Total count -----20*

Vehicles: Total count -----37*

Facility Types:

Landfill(s) -----	1
Transfer Station(s) -----	4*

Site Types:

"Inactive" site(s) -----	6*
"Closed" site(s) -----	3*
"Illegal" site(s) -----	5*
"Abandoned" site(s) -----	1*

Type(s) of Certification requested: "A", "B", "C", & "D"*

Budget Adequacy: (Total Annual Budget)-----\$159,499.00*

Technical Expertise and Staff Adequacy:

- One (1) Environmental Health Director
- One (1) Supervising Environmental Health Specialist
- One (1) Solid Waste Specialist

Time Task Analysis shows 1.23 PY for the jurisdiction

*as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-141

December 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Nevada County Department of Environmental Health as the Local Enforcement Agency for the County of Nevada.

WHEREAS, the California Integrated Waste Management Act of 1989 requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan pursuant to statute; and

WHEREAS, the Nevada County Board of Supervisors have designated the above local agency and has requested Board approval of their designation; and

WHEREAS, the California Integrated Waste Management Board received on June 10, 1992 the Enforcement Program Plan for the County of Nevada; and

WHEREAS, on July 16, 1992 the Board granted a conditional certification until January 1, 1993 to allow Board staff sufficient time to complete document review and, if necessary, appropriate time for the agency to respond to comments; and

WHEREAS, the Board finds that the above designated enforcement agency has demonstrated, via its Enforcement Program Plan, as of October 27, 1992 that it meets the requirements of Public Resources Code Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training as of October 27, 1992; and

WHEREAS, the Enforcement Program Plan of the Nevada County Department of Environmental Health requests the Board to approve the Enforcement Program Plan and issue certification types "A", "B", "C" & "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

WHEREAS, the Nevada County Department of Environmental Health has adopted its Enforcement Program Plan pursuant to Public Resources Code Section 43209; and

WHEREAS, the Nevada County Department of Environmental Health was unable to comply with conditions of an April 27, 1990, amended Notice and Order; and

WHEREAS, the Board has been acting as the enforcement agency in Nevada County for McCourtney Landfill under a Judgement Pursuant to Stipulation (#40027) since March 1991; and

WHEREAS, the Nevada County Department of Environmental Health has made notable progress, with Board staff guidance, in fulfilling the requirements of the Judgement Pursuant to Stipulation between issuance in March 1991 and to date;

NOW, THEREFORE, BE RESOLVED, based on the foregoing considerations, the California Integrated Waste Management Board pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1 approves the Enforcement Program Plan and designation and issues certification types "A", "B", "C" & "D" to Nevada County Department of Environmental Health as the Local Enforcement Agency for the County of Nevada;

BE IT FURTHER RESOLVED, that until the Judgement Pursuant to Stipulation is terminated the Board will maintain direct involvement with McCourtney Landfill.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on December 16, 1992.

Date:

Ralph E. Chandler
Executive Director

ITEM 26 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 12/9/92 MEETING.

BOARD MEMBERS ARE USING THE STAFF REPORT FOR THIS ITEM
FROM THE PERMITTING AND ENFORCEMENT COMMITTEE PACKET
IN AN EFFORT TO CONTRIBUTE TO SOURCE REDUCTION.

IF YOU DID NOT RECEIVE THE 12/9/92 PERMITTING
AND ENFORCEMENT COMMITTEE PACKET AND NEED
THE STAFF REPORT FOR THIS ITEM,
CONTACT ~~PAT CHARTREND~~ AT (916) 255-2156.

Cathy Foreman

ITEM 27 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 12-9-92 MEETING.

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CONTACT ~~PAT CHARTERAND~~ AT (916) 255-2156.

Cathy Foreman

ITEM 28 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 12/9/92 MEETING.

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CONTACT ~~PAT CHARTERAND~~ AT (916) 255-2156.

Cathy Foreman

ITEM 29 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 12/9/92 MEETING.

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Cathy Foreman

ITEM 30 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 12/9/92 MEETING.

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CONTACT ~~PAT CHARTER~~ AT (916) 255-2156.

Cathy Foreman

ITEM 31 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 12/9/92 MEETING.

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CONTACT ~~PAT CHARTRAND~~ AT (916) 255-2156.
Cathy Foreman

ITEM 32 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 12/9/92 MEETING.

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CONTACT ~~PAT CHARTERED~~ AT (916) 255-2156.

Cathy Foreman

ITEM 34 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 12/9/92 MEETING.

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CONTACT ~~PAT CHARTLAND~~ AT (916) 255-2156.

Cathy Foreman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 35

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for the Evans Road Landfill, Colusa County.

COMMITTEE ACTION:

At the time this item went to print the Permitting and Enforcement Committee had not taken an action on this item.

BACKGROUND:

Facility Facts

Name:	Evans Road Landfill Facility No. 06-AA-0001
Facility Type:	Current Class III Landfill to be Closed, Three Class II Waste Management Units Proposed
Location:	1.5 miles South of Meyers Road, on Evans Road
Area:	122.8 acres
Setting:	Rural
Operational Status:	Active, operating since 1973
Tonnage:	Permitted to accept an average of 30 tons per day in 1978, currently receiving an average of 40 tons per day
Waste Types:	Mixed municipal, Construction/Demolition, Agricultural, Ash, Non-friable Asbestos, Industrial, Tires, Sewage Sludge, Liquids (Septage), Dead Animals
Volumetric Capacity:	8.7 million cubic yards total capacity with the proposed expansion
Owner:	Colusa County Department of Public Works Mr. Russel Gum, Director

Operator: Colusa County Department of Public Works
Mr. Russel Gum, Director

LEA: Colusa County Health Department,
Environmental Health Division

Proposed Project

The existing Class III waste management unit at the Evans Road Landfill is reaching capacity. Three new waste management units are proposed that will extend the life of the landfill up to 56 years. A municipal solid waste management unit will be constructed to the east of the existing landfill. An ash-compatible waste management unit and a leachate/septage waste management unit will be constructed to the west of the existing landfill. All three will be lined Class II waste management units. The proposed permit will allow an increase in the permitted tonnage to a peak of 300 tons per day. The proposed permit will also add ash as a permitted waste type.

SUMMARY:

Permit Consideration Issues

This staff report includes a recommendation that the Board object to the proposed permit due to violations of State Minimum Standards and inadequate funding of the financial mechanism for closure of the existing landfill.

A. The Evans Road Landfill is currently in violation of the following State Minimum Standards:

1. Liquid Wastes

The Evans Road Landfill has historically received septage in unlined surface impoundments. That practice was prohibited by Provision C.19 of the Regional Water Quality Control Board's Waste Discharge Requirements Order No. 91-228, dated November 22, 1991. The landfill has, however, continued to accept septage in violation of that order. Section 17743 of Title 14 of the California Code of Regulations states that "liquid wastes and sludges may be accepted at a site only as approved by the California Regional Water Quality Control Board, the local health entity, and the enforcement agency." The County has contended that they have not been able to secure funding for the construction of the Class II surface impoundment required for proper disposal of septage and that there is no other practical alternative to violation of the Water Board order. This violation has been documented by the LEA in his monthly

inspection reports and also by Board Compliance staff during the November 18, 1992 pre-permit inspection.

2. Drainage and Erosion Control

This violation of State Minimum Standards was also documented during the pre-permit inspection. It relates to erosion of the side slopes of the landfill. Section 17708 of Title 14 requires that "if erosion occurs, it shall be promptly repaired with steps taken to prevent further occurrence." Significant erosion was noted on the northern slope of the active waste management unit during the pre-permit inspection. Several erosion channels were up to 18 inches deep. It was also apparent that runoff from the upper level of the current waste management unit had flowed over the side slope benches and into the perimeter drainage ditch. Due to erosion, a pathway for waste to migrate off-site has been established. Ash was observed in the perimeter drainage ditch which leads directly to Cortina Creek. No efforts to prevent or eliminate this discharge of waste were evident at the time of the inspection. The standard for drainage and erosion control has been noted as a violation or an area of concern on the LEA's monthly inspection reports six times since October of 1991, and was noted in the May 1990 Periodic Site Review. The record indicates that this is an ongoing problem at the landfill.

B. Funding of the Financial Mechanism:

The other major problem area with the proposed permit relates to the funding of the financial mechanism. The County of Colusa has provided an acceptable Enterprise Fund mechanism to the Board for the closure and postclosure maintenance costs for the entire Evans Road Landfill. However, the County has been unable to fund this Enterprise Fund as required by 14 CCR 18282.

The County has also identified that they have outside funding available for the deficiency in the Enterprise Fund. That funding has not, however, occurred at this time. The County has indicated that the funding will not be obtained until they receive the proposed permit before the Board. The Financial Assurances Branch has concluded that, without the balance of the funding in place, the Enterprise Fund is inadequately funded. The funding shortfall is in excess of \$500,000.

Site History The Evans Road Landfill received its first Waste Discharge Requirements (WDRs) from the Regional Water Quality Control Board in 1970. Those WDRs were revised in 1973 and 1988. In 1991, the WDRs were revised again to include the proposed Class II landfills and Class II surface impoundment for septage and leachate. The original Solid Waste Facilities for Evans Road

Landfill was issued on December 8, 1978. The facility has operated for fourteen years under the 1978 permit.

In November of 1990, Board staff became aware of the fact that the facility had been accepting ash at the landfill. The LEA and the operator were advised by Board staff that this was an unpermitted activity which would require a permit revision. The operator subsequently included analysis of acceptance of ash in the Environmental Impact Report that was being prepared for the proposed expansion.

Project Description The proposed project seeks a 82.8 acre expansion of the existing site. The expansion will provide approximately 5 million cubic yards of additional refuse disposal capacity. The projected refuse volumes from the current watershed plus those originating from out-of-county generators indicate approximately 56 years of additional site life resulting from the proposed project.

The Colusa County Department of Public Works will continue to own and operate the Evans Road Landfill. The permitted tonnage will increase from a permitted average of 30 tons per day to a permitted peak of 300 tons per day. Although the facility currently receives less than 50 tons per day, the CEQA document analyzed 300 tons per day to provide Colusa County with the flexibility to receive wastes from outside the county including ash from cogeneration facilities.

Typical site operations involve deposition of waste at the toe or crest of the active face. The waste is then spread over the active face slope in layers no more than 2 feet thick. The refuse is compacted onto the slope by repeatedly passing over it with the site's bulldozer until it is satisfactorily compacted, approximately 3 to 5 times. Individual waste cells will be 7 to 10 feet thick. The refuse will be covered with a minimum of 6 inches of compacted soil at least once every 48 hours. Daily cover is, however, normally provided even though the daily tonnage does not currently exceed 50 tons per day.

Environmental Controls Hazardous waste is not accepted at the landfill. A hazardous waste screening program has been implemented. The program includes regular and random inspections of incoming loads, signs identifying unacceptable wastes, and an employee training program for the handling of hazardous waste identified during the screening program.

Litter is controlled by picking crews doing community service. Litter collected on perimeter fences will be removed on a regular basis. Dust will be minimized by the use of a water truck.

Vectors will be controlled by prompt and complete compaction of all waste materials and the use of soil cover. If pest activity is noted by site personnel, pest control specialists will be contacted to provide the necessary elimination services.

Noise is mitigated by maintaining the equipment in good mechanical condition. All equipment will also have adequate sound suppression mufflers. Noise will also be minimized by the distance of the landfill to adjacent neighbors.

Odors will be controlled by keeping the working face small and covering the waste daily. Cover is applied daily even though the facility is only required to cover on a 48 hour basis due to the fact that less than 50 tons per day of waste are currently received.

Fire will be controlled by preventing the deposition of burning material or by removing burning material from the landfill active face. During the fire season, a water truck, along with a site dozer will also be available for on-site fire control.

Leachate will be controlled in the new waste management units by leachate collection and removal systems (LCRS). The existing landfill does not have an LCRS. However, the site does have a network of monitoring wells and no contamination of the groundwater has ever been documented. Due to the remote location of the site and the fact that landfill gas has never been detected at the site, neither a gas monitoring system nor a gas control system has been deemed necessary by the Local Enforcement Agency.

Resource Recovery Currently white goods, car bodies, used oil and car batteries are salvaged at the landfill. There are plans for increased recycling at the landfill, but source separated recyclables are not presently accepted.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on October 19, 1992, the last day the Board may act is December 18, 1992.

The LEA has submitted a proposed permit to the Board. Staff has reviewed the proposed permit and supporting documentation. The following items were deemed unacceptable by Board staff:

1. Compliance with State Minimum Standards

The pre-permit inspection of the facility on November 18, 1992 documented two violations of State Minimum Standards:

- a) 14 CCR 17743 - Liquid Wastes
- b) 14 CCR 17708 - Drainage and Erosion Control

2. Funding of the Financial Mechanism

Colusa County has established an acceptable financial mechanism to cover the estimated closure and post closure maintenance costs for this facility. However, the financial mechanism has not been adequately funded. The shortfall is in excess of \$500,000.

In reviewing the proposed permit package, Board staff have considered the following additional items and find them to be consistent with state requirements:

1. Conformance with County Plan

The LEA has found that the Evans Road Landfill is in conformance with the most recent revision of the Colusa County Solid Waste Management Plan. Board staff agrees with said finding.

2. Consistency with General Plan

The LEA has determined that the facility is consistent with, and is designated in, the applicable General Plan. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

The Board's Planning and Local Assistance Division staff make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would impair or impede the achievement of waste diversion goals.

At the time this item went to print, the waste diversion determination had not yet been made. Planning and Local Assistance staff will provide that determination prior to, or at, the December 9th Committee Meeting.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document. An Environmental Impact Report was prepared for this project. It was received by the State Clearinghouse (#90030582) on March 4, 1991. A Notice of Determination was filed with the County Clerk and the Governor's Office of Planning and Research on November 8, 1991.

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with, and the Negative Declaration is adequate and appropriate for the Board's use in evaluating the project.

5. Operating Liability Insurance

Operating liability insurance is not required for this facility at this time since the Permit Application was submitted prior to July 1, 1992.

6. Compliance with Closure and Postclosure Maintenance Plan Requirements

The Final Closure/Postclosure Maintenance Plans for the existing landfill and the Preliminary Closure/Postclosure Maintenance Plans submitted for the proposed waste management units have been deemed complete by the Board's Closure Branch staff.

STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

In conclusion, due to the violations of State Minimum Standards and the inadequate funding of the financial mechanism, staff recommends that the Board adopt Permit Decision No. 92-150 objecting to the issuance of Solid Waste Facilities Permit No. 06-AA-0001.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Proposed Permit
4. Resolution No. 92-150

Prepared by: Michael ³⁶ Kuhn/Beatrice Cuenca Phone: 255-2432

Reviewed by: Phillip J. Morales R. Vach for Phone: 255-2453

Legal Review: R Phone: 255-2188

California Integrated Waste Management Board
Permit Decision No. 92-150
December 16, 1992

WHEREAS, the Colusa County Health Department, Environmental Health Division acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to, a revised Solid Waste Facilities Permit for the Evans Road Landfill; and

WHEREAS, Board staff has evaluated the proposed permit submitted on October 19, 1992 for consistency with the standards adopted by the Board; and

WHEREAS, the operator of the facility has not adequately funded the financial mechanism for closure and postclosure maintenance; and

WHEREAS, Board staff has evaluated the Evans Road Landfill for compliance with the State Minimum Standards for Solid Waste Handling and Disposal and has found the facility to be in violation of Sections 17708 and 17743 of Title 14 of the California Code of Regulations;

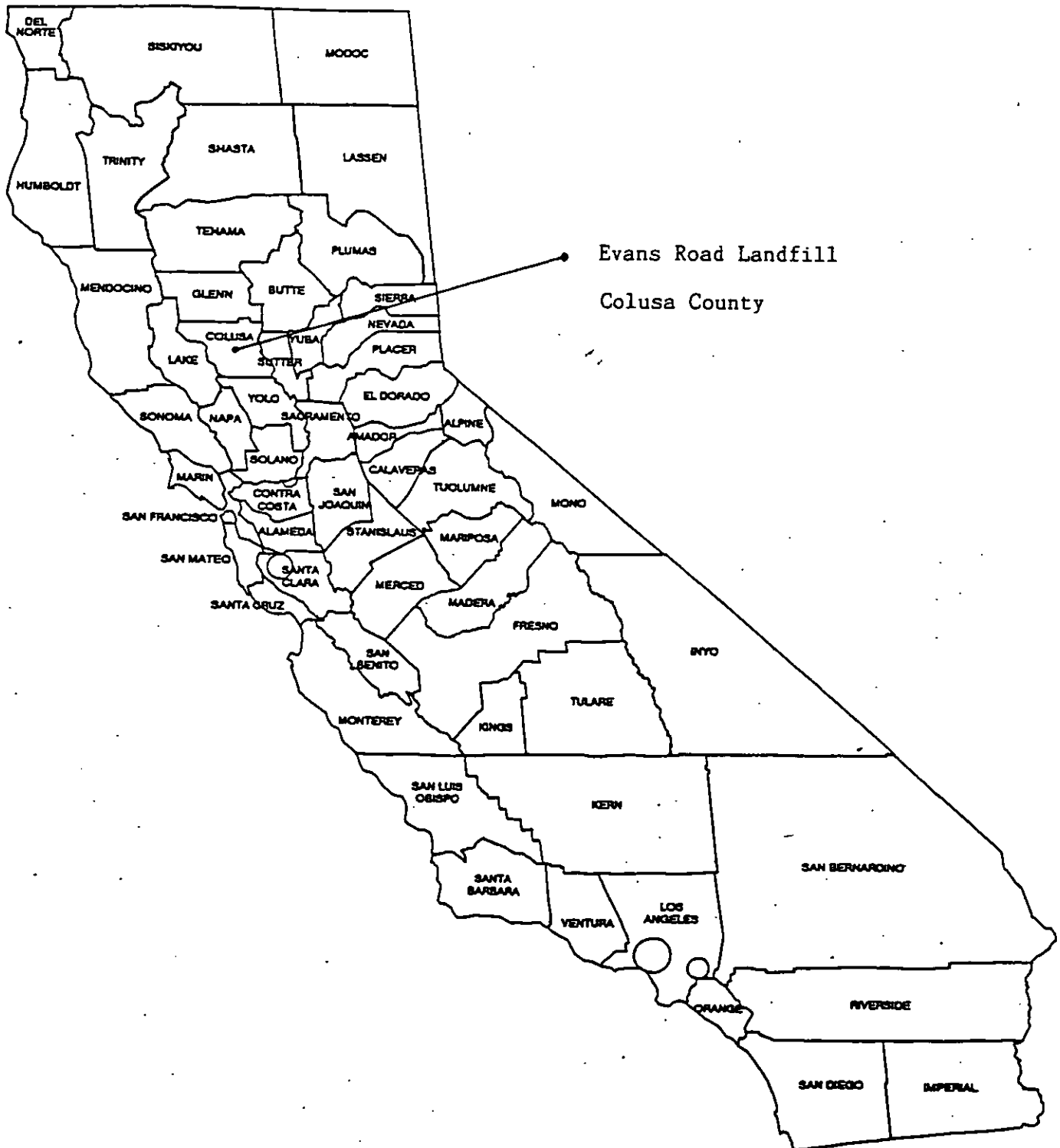
NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board objects to the issuance of Solid Waste Facilities Permit No. 06-AA-0001.

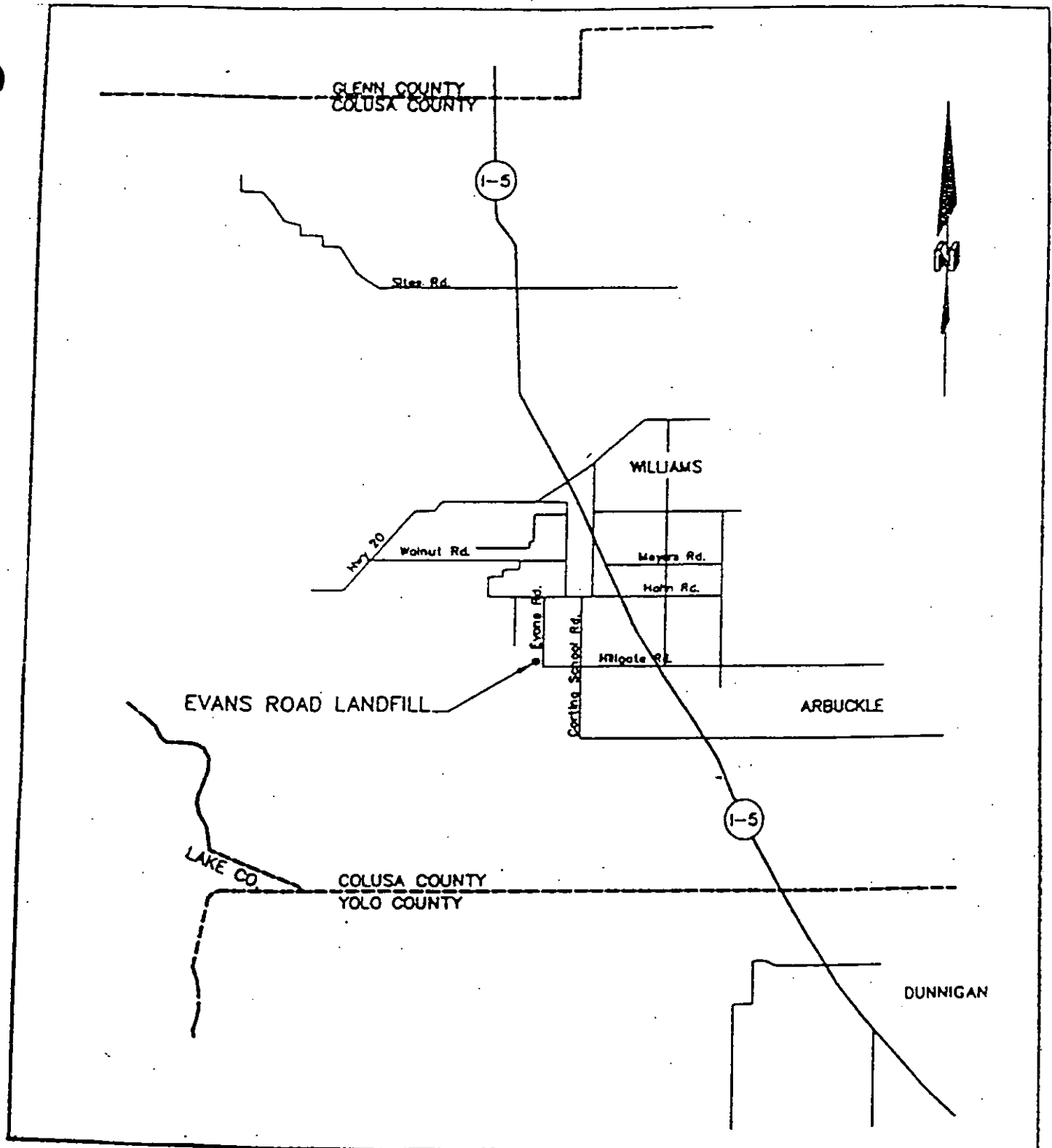
CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on December 16, 1992.

Dated:

Ralph E. Chandler
Executive Director



**EBA**

**EVANS ROAD LANDFILL
VICINITY MAP**

FIGURE**6a****N.T.S.**

**OPERATING PERMIT FOR FACILITIES
RECEIVING SOLID WASTE**

TYPE OF FACILITY

Landfill

FACILITY/PERMIT NUMBER

06-AA-0001

NAME AND STREET ADDRESS OF FACILITY

Colusa County Disposal Site #1
Evans Road Landfill
Evans Road, Colusa County

NAME AND MAILING ADDRESS OF OPERATOR

Colusa County Department of Public Works
1215 Market Street
Colusa, CA 95932

PERMITTING ENFORCEMENT AGENCY

Environmental Health Services

CITY/COUNTY

Colusa County

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED:



APPROVING OFFICER

Richard S. Dickson
Environmental Health Officer

NAME/TITLE

AGENCY ADDRESS

Environmental Health Services
251 East Webster Street
P. O. Box 610
Colusa, CA 95932

AGENCY USE/COMMENTS

SEAL

PERMIT RECEIVED BY CWMB

OCT 19 1992

CWMB CONCURRENCE DATE

PERMIT REVIEW DUE DATE

PERMIT ISSUED DATE

**COLUSA COUNTY
SOLID WASTE FACILITY PERMIT**

COLUSA COUNTY LANDFILL SITE #1, EVANS ROAD

FINDINGS:

Facility Operation and Design

Landfill Site #1, Evans Road is owned by Colusa County and is operated by Colusa County Public Works Department. The site is located 1.5 miles south of Meyers Road, on Evans Road, southwest of the City of Williams (see figure 6b of RDSI). This 122.8 acre facility began operation in February 1970. The following wastes are disposed at this facility:

1. Mixed municipal
2. Construction/demolition
3. Agricultural
4. Ash
5. Asbestos (non-hazardous)
6. Industrial
7. Tires
8. Sewage sludge
9. Liquids (septage)
10. Dead animals

The maximum peak daily loading of these wastes, will be 300 tons.

There are currently three types of disposal sites at this facility:

1. Solid waste unit (SWD-1)
2. Drilling mud/septage ponds (EP-1, EP-2A, EP-2B)
3. Agricultural pesticide container

Closure documents have been submitted for SWD-1, and all three ponds. The ponds will all undergo clean closure. SWD-1 will undergo partial closure as a unit.

Three new units are proposed for construction. The construction of the new units will make Landfill Site #1, Evans Road a Class II disposal facility. The three new units will be LF-1 (municipal solid waste), LF-2 (cogeneration ash and ash compatible waste), and SI-1 (leachate and special waste-septage). LF-2 may have an

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alternative use, dependant on the ash market at the end of construction. Alternatives for LF-1/LF-2 are detailed in the RDSI. The alternative, or variation of alternatives, will determine the life expectancy of Landfill Site #1. The range of life expectancy is 39 years (2029) to 56 years (2046), as per the RDSI. The hours of operation are 8:00 a.m. to 4:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m., Saturday and Sunday with closure on seven (7) major holidays ie: Christmas, Thanksgiving etc.

The facility currently receives less than 50 tons per day. This tonnage requires cover every 48 hours, until 50 tons is exceeded. Daily cover will be required when the waste stream exceeds 50 tons per day. Colusa County Public Works Department has requested an alternative cover project to use non-hazardous designated wastes, processed by Charter Evaporation Resource Recovery System (CERRS) Permit #06-AA-0006.

Disposal Site #1, Evans Road will screen suspicious and random loads of waste for hazardous wastes and/or material. The load checking program is included in Appendix C of the RDSI. A self contained hazardous materials container has been purchased for all materials found, that cannot be returned to the owner. Hazardous wastes, such as batteries or oil, shall be handled in a manner approved by the enforcement agency and the Board (California Code of Regulations, Title 22).

If an incidence of unlawful disposal is discovered in the waste units the following agencies will be notified:

Colusa County Environmental Health	(916) 458-7717
Colusa County Public Works	(916) 458-5189
Arbuckle Fire Department (if necessary)	(916) 476-2231

There are currently two structures at Landfill Site #1, scale house and equipment/personnel break-room.

The permit is consistent with the Colusa County Solid Waste Management Plan (dated December 1975, amended January 27, 1989), and with the standards adopted by the California Integrated Waste Management Board.

The design and operation of this facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA on November 18, 1992 (with the exception of septage being received in the drill mud ponds [Title 14, Section 17743]).

Details of the design and operation maybe found in supporting documents and the Report of Disposal Site Information.

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Supporting Documents

1. The following documents describe and condition the use of this facility:
 - A. Report of Disposal Site Information April 1992, updated July 1992, by Colusa County Public Works Department.
 - B. Use Permit #90-5-4 dated June 3, 1991, Resolution 91-3 dated June 17, 1991, and Notice of Determination dated November 4, 1991, by Colusa County Planning Commission.
 - C. Central Valley Regional Water Quality Control Board Waste Discharge Requirements Order No. 91-228
 - D. Water Quality Solid Waste Assessment Test Report dated July 1, 1988, by the Mark Group.
 - E. Report of Waste Discharge dated November 1989, by EBA Wastechologies.
 - F. Environmental Impact Report Evans Road Landfill EIR #90-71 dated February 19, 1991, by EBA Wastechologies.
 - G. Pond Clean Closure Workplan dated February 26, 1992, by EBA Wastechologies.
 - H. Final Partial Closure Plan Existing Waste Management Unit SWD-1 dated February 26, 1992, by EBA Wastechologies.
 - I. Final Postclosure Maintenance Plan Existing Waste Management Unit SWD-1 dated February 26, 1992, by EBA Wastechologies.
 - J. Preliminary Closure Plan Evans Road Landfill Expansion dated February 26, 1992, by EBA Wastechologies.
 - K. Preliminary Postclosure Maintenance Plan dated February 26, 1992, by EBA Wastechologies.
 - L. Colusa County Air Pollution Control District permit to operate, Permit #9106-053.
 - M. This facility shall be maintained in compliance with the flammable provisions of Chapter 5, (commencing with Section 4371), Part 2, Division 4, Public

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Resources Code. A letter of compliance from Gary Cox, Chief, Arbuckle Fire District is contained in Appendix D, of the RDSI, for Colusa County Landfill Site #1, Evans Road.

3. This facility is in compliance with the Colusa County General Plan as per Resolution No. 91-3, dated June 17, 1991, by the Colusa County Planning, as required by Public Resources Code Section 50000.5.
4. The facility proponent prepared on Environmental Impact Report for this project. The Notice of Determination was filed November 8, 1991.

CONDITIONS:

Requirements

1. Colusa County Landfill Site #1, Evans Road facility must comply with all applicable portions of the State Minimum Standards for Solid Waste Handling and Disposal, as contained in Title 14, California Code of Regulations.
2. Colusa County Landfill Site #1, Evans Road facility must comply with all federal, state, and local requirements, including mitigation measures contained in the Environmental Impact Report.
3. Colusa County Landfill Site #1, Evans Road facility must provide additional pertinent information, as required by the Local Enforcement Agency.
4. If determined necessary by the Local Enforcement Agency, the operator of Landfill Site #1 will install gas monitoring wells and equipment.

Prohibitions

1. Accepting wastes for which the facility is not approved such as hazardous wastes, infectious wastes, medical wastes, or those wastes prohibited by Waste Discharge Requirements Order No. 91-228.
2. Conducting unacceptable activities at the facility: e.g. scavenging, open burning of wastes, disposal of wastes not listed in the permit, commingling of wastes that may reduce or impair the integrity of the containment structures, disposal of wastes with excessive moisture content.

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3. Accepting wastes beyond the capacity of the facility or exceeding the peak daily loading level of 300 tons.
4. Allow the discharge of wastes that create a nuisance to the surrounding properties: e.g. ash without the proper moisture content.
5. This facility shall not allow salvaging of wastes, other than car bodies, white goods, and lead acid batteries. No other wastes maybe salvaged, without approval by the Local Enforcement Agency.

Specifications

1. Changes that would cause the design or operation of the facility, not to conform to the terms or conditions of the permit are prohibited. Such changes would be considered significant, and require a permit revision.
2. Receiving wastes in excess of the maximum daily tonnage, 300 tons, will require a permit revision.
3. Wastes are received in various vehicles at the facility. All vehicles must pass through the scale/office area. The following exceptions may be made to weighing of vehicles:
 - A. Pickups, vans or autos with garbage cans.
 - B. Pickups.
 - C. Autos.
 - D. Single axle trailers.

Since the installation of the scales, these vehicles have been weighed. The following average weights were determined, and will be assigned to the above listed vehicles for permitted tonnage allowances:

- A. Refuse cans, 0.036 tons each.
- B. Autos, 0.103 tons each.
- C. Pickups/Vans, 0.295 tons each.
- D. Single axle trailer, 0.421 tons each.

This will allow vehicle control, and refuse disposal to move in a more efficient manner.

4. A change in operator will require a new permit.

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Provisions

1. This permit is subject to review by the Local Enforcement Agency, and maybe modified, suspended, or revoked for sufficient cause, after a hearing.
2. This permit is issued to the applicant and is non-transferrable.
3. Closure of the ponds EP-1, EP-2A, and EP-2B shall meet the clean closure provisions of the Pond Clean Closure Workplan dated February 26, 1992.
4. Solid Waste Unit SWD-1 shall be closed and maintained as the Final Partial Closure Plan Existing Waste Management Unit, and the Final Postclosure Maintenance Plan Existing Waste Management Unit.
5. All solid wastes shall be placed in the appropriate waste management units using the cell method, compacted, and covered on a daily (24 hour) basis.
6. The load checking program shall be implemented, and all hazardous wastes and/or materials, not returned to the responsible party, shall be properly stored and disposed. Records shall be maintained of the disposal.
7. A recycling area and structures are planned, but not in operation on this date. The following items are proposed for recycling at Evans Road:
 - A. Latex paint
 - B. Used oil
 - C. Tires
 - D. Paper
 - E. Plastic
 - F. Wood items

These items may be recycled only after written permission from the Local Enforcement Agency.

Self-Monitoring

1. Records shall be maintained that detail each vehicle, waste type, and waste quantity. Records shall also indicate the location of content disposal. The records shall be available for review by the Local Enforcement Agency.

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2. A copy of all water quality monitoring, required by the Waste Discharge Requirements Order No. 91-228, shall be provided to the Local Enforcement Agency at the frequency and within the time frames therein listed.
3. A report shall be filed with the Local Enforcement Agency on a monthly basis, that details the status of all the wastes received at the facility. This report shall include the quantity of wastes disposed, quantity of salvaged materials, and the types of waste disposed.
4. A log of special occurrences, i.e., fires, explosions, accidents, hazardous wastes etc., shall be maintained.

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

December 16, 1992

AGENDA ITEM 36

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the McCourtney Road Transfer Station, Nevada County

COMMITTEE

ACTION: At the time that this item went to print, the Permitting and Enforcement Committee had not voted on this new permit. Board staff will make a presentation on this item at the December 16, 1992 Board meeting.

BACKGROUND:

Facility Facts

Facility Name: McCourtney Road Transfer Station
Facility No. 29-AA-0010

Facility Type: Large Volume Transfer Station

Location: 14741 Wolf Mountain Road

Area: 2.12 acres out of 140 total acres

Setting: Surrounding land use is as a landfill (McCourtney Road Landfill), general agricultural, residential

Status: Currently operating as a Public Receiving Area for the McCourtney Road Landfill

Waste Types: Mixed municipal waste (commercial and residential) and limited special wastes (dead animals, ash, and certain medical wastes)

Capacity: 180 tons per day

Tonnage: Currently 74 tons per day

**Owner/
Operator:** Nevada County Department of Sanitation

LEA: Nevada County Department of Environmental Health

Proposed Project:

The proposed permit is for a new large volume transfer station to accept up to 180 tons per day of mixed municipal waste. This waste has previously been disposed of in the McCourtney Road

Landfill. This facility is the former Public Receiving Area (PRA) of the McCartney Road Landfill. It consists of a scalehouse, a covered tipping floor area, and the associated roads and parking spaces needed by the public for unloading of wastes.

SUMMARY:

Summary of Permit Consideration Issues: A Judgment Pursuant to Stipulation (JPS) between the State of California and the County of Nevada was signed March 4, 1991. Faced with a December 31, 1992 JPS deadline for submittal of a complete application for a Revised Solid Waste Facilities Permit (SWFP) or Final Closure/Postclosure Maintenance Plans (FCPMP), the County evaluated the relative merits of continuing solid waste disposal operations at the McCartney Landfill versus contracting with others to achieve the same ends. They decided to pursue site closure, and in order to provide continued solid waste disposal services to the Western Nevada County population, entered into a long haul contract with a private firm to remove wastes to the Anderson Solid Waste Landfill in Shasta County, California (Facility No. 45-AA-0020, CIWMB permit concurrence date November 20, 1991). The McCartney Road Transfer Station (MRTS) as described in this proposed permit would provide the means for accepting and preparing the waste for transfer from Western Nevada County to the Anderson Solid Waste Landfill, Shasta County.

Project Description: This facility is the former Public Receiving Area (PRA) of the McCartney Road Landfill. It consists of a scalehouse, a covered tipping floor area, and the associated roads and parking spaces needed by the public for unloading of wastes.

Refuse enters the site, is checked and weighed at the scalehouse. Signs direct the vehicles to the MRTS for customer drop-off of waste. The waste is loaded into the long-haul trailers for transfer to the contracted disposal site. The peak daily loading of 180 tons per day results in a maximum of 8 trucks per day.

The hours of operation are from 8:00 a.m. to 3:30 p.m., seven days per week except for the following holidays: New Year's Day, Easter Sunday, Independence Day, Thanksgiving Day, and Christmas Day. Operator and Contractor staff conduct solid waste operations from 8:00 a.m. to 5:00 p.m. seven days per week, except for the above mentioned holidays.

Environmental Controls: Unacceptable or hazardous wastes identified through the load-check program or intercepted in the

waste stream, will not be permitted and must leave the site with the customer. Such wastes that evade load check screening are immediately isolated from the public and operations. Intercepted hazardous wastes are to be properly transported, by trained staff, to the site Temporary Hazardous Waste Storage Containers. All hazardous wastes are to be logged in, stored in the appropriate containers, and at no time co-mingled with other non-compatible wastes that may be reactive. Storage of intercepted hazardous wastes shall not exceed ninety days. Wastes shall be removed by a licensed hazardous materials hauler.

The facility has storm water control facilities consisting of storm drains, manholes, roof drains, and a Leachate Collection and Removal system that consists of a drop inlet with grates at the tipping floor, leachate sump and leachate drain to the 1.3MG Class II Surface Impoundment. Leachate is transported to a permitted disposal facility for disposal.

The Regional Water Quality Control Board, Central Valley Region, has determined that new Waste Discharge Requirements (WDR) are not required for the MRTS. The Regional Board has issued WDR's to the Nevada County Department of Sanitation for the McCourtney Road Class III Landfill, Class II Surface Impoundments, and the Class II Land Treatment Units.

The MRTS is covered with a galvanized steel roof which provides an adequate control for fugitive dust by minimizing the effect of wind on the MRTS.

Transporting the wastes off-site prevents the propagation, harborage or attraction of flies, rodents or other vectors and minimizes bird problems. The contractor is encouraged to keep the waste buildup on the tipping surface to a minimum by maximizing use of the loader during operating hours. Also, litter will be collected on a daily basis.

A study entitled McCourtney Road Landfill Noise Study was issued on July 23, 1992 indicating that during normal operations of the MRTS there would be no adverse impacts resulting from noise to adjoining properties. Employees of the MRTS will be monitored and protected from excessive noise during operating hours in compliance with Cal-OSHA requirements.

All acceptable wastes are loaded into trailers and transported from the MRTS by days end to a permitted disposal facility. Transporting the waste minimizes the odor nuisances due to MRTS operations.

The Traffic and Circulation Study, McCourtney Road Landfill (Nevada County Department of Transportation [NCDOT], July 1992) assessed project impacts on the traffic circulation system. Traffic counts and intersection turning movements were conducted by the NCDOT during May 1992. Because site operation hours are from 8:00 a.m. to 3:30 p.m., seven days per week, site traffic does not occur during the normal morning and evening peak traffic hours. The average maximum site traffic occurs between the hours of 8:00 a.m. to 9:00 a.m. It was determined in this study that reportable traffic counts at the site gate did not have a significant impact on the area's normal morning and evening peak traffic patterns.

Implementation of the MRTS operations and the long haul of waste to the Anderson Landfill will not change the traffic volume on the roadways attributed to public and commercial vehicles hauling solid waste to the site. NCDOT concluded that the only traffic increase generated from the project would be the truck/trailer trips transporting wastes to the Anderson Landfill. It is projected that 10 to 14 trips (both ways) or five to six round trips will be made everyday that the site is in operation in transporting the waste to the Anderson Landfill in Shasta County. Should unauthorized entry occur during business hours, the gate house attendant will radio for assistance. The gate at the site access road is locked at 3:30 p.m. everyday. A security protocol is followed by the last NCDOS employee to leave the site. Should the automated intrusion system be triggered after hours, the Nevada County Sheriff's office is summoned.

Sanitary facilities are provided on-site by portable lavatory (restroom, handwashing and shower facilities) at the scale house, approximately 100 feet from the MRTS. Bottled water is supplied to the employees. Telephone service is available at the site as well as the use of multichannel citizens band radios.

Resource Recovery: Salvaging is permitted only by MRTS staff who intercept recyclables from the waste stream. Customers are encouraged to only deposit refuse at the MRTS. Recyclables and wood waste are directed to the adjacent recycling operations.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. The applicant was notified on November 18, 1992 that the application submitted on November 16, 1992 was complete. The Board has until January 16, 1993 to act on the proposed permit.

In reviewing the proposed permit package, staff have considered the following additional items and find them to be consistent with State requirements.

1. Conformance with County Plan

The transfer station is a part of the waste management system being developed by the County. The facility site and identification has been reviewed by and commented on by Nevada County's Local Task Force, according to the requirements of PRC Section 50000(d). The analysis used in making this determination is included as Attachment 4.

2. Consistency with General Plan

The Nevada County Board of Supervisors passed Resolution 91737 stating the facility site is consistent with the General Plan (PRC Section 50000.5). The Board's Planning and Local Assistance Division staff have found that the proposed facility is consistent with, and is designated in, the applicable General Plan. The analysis used in making this determination is included as Attachment 4.

3. Consistency with Waste Diversion Requirements

The Board's Planning and Local Assistance Division staff make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would impair or impede the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither impede nor significantly impair the County of Nevada from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document. The Initial Study and Proposed Negative Declaration, Western Nevada County Solid Waste Disposal System Transfer-Station and Long-Haul (Nevada County Planning Department, June 1992, SCH # 92082009), and Responses to comments on the Draft Mitigating Negative Declaration of the Western Nevada County Transfer Station and Long Haul (Nevada County Planning Department, September 15, 1992) were the environmental documents prepared for the project in compliance with the guidelines of the California Environmental Quality Act (CEQA). On September 16, 1992, the Nevada County Board of Supervisors adopted a Mitigated

Negative Declaration for this project. The Notice of Determination for the MRTS is included as Attachment 6.

A Mitigation Monitoring and Implementation Schedule has been submitted to the Board (Attachment 5). Potential environmental impacts and mitigation measures associated with the project are included in the monitoring program. After reviewing the environmental documentation for the project, Board staff have determined that the Mitigated Negative Declaration is adequate and appropriate for the Board's use in evaluating the proposed project.

5. Conformance with State Minimum Standards

The Board's Compliance Branch staff have made the determination that the facility's design and operation are in compliance with State Minimum Standards.

CIWMB staff conducted inspections on August 27, September 25, October 29, 1992, and November 24, 1992. Board staff will make a presentation on compliance of the facility with State Minimum Standards at the Permitting and Enforcement Committee meeting on December 9, 1992.

Attachment No. 7 is a document prepared by the Board's Compliance Branch staff that details the compliance history of the facility.

STAFF RECOMMENDATIONS:

Because a new Solid Waste Facilities Permit is being proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

Staff recommends that the Board adopt Permit Decision No. 92-149 concurring in the issuance of Solid Waste Facilities Permit No. 29-AA-0010. This staff recommendation is contingent on the approval of the Permitting and Enforcement Committee and the Board, at their respective December 9 and December 16, 1992 meetings, of the Certification and Designation of the Nevada County Department of Environmental Health as the Local Enforcement Agency for the County of Nevada.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Proposed Permit 29-AA-0010
4. Conformance with AB 2296 memo

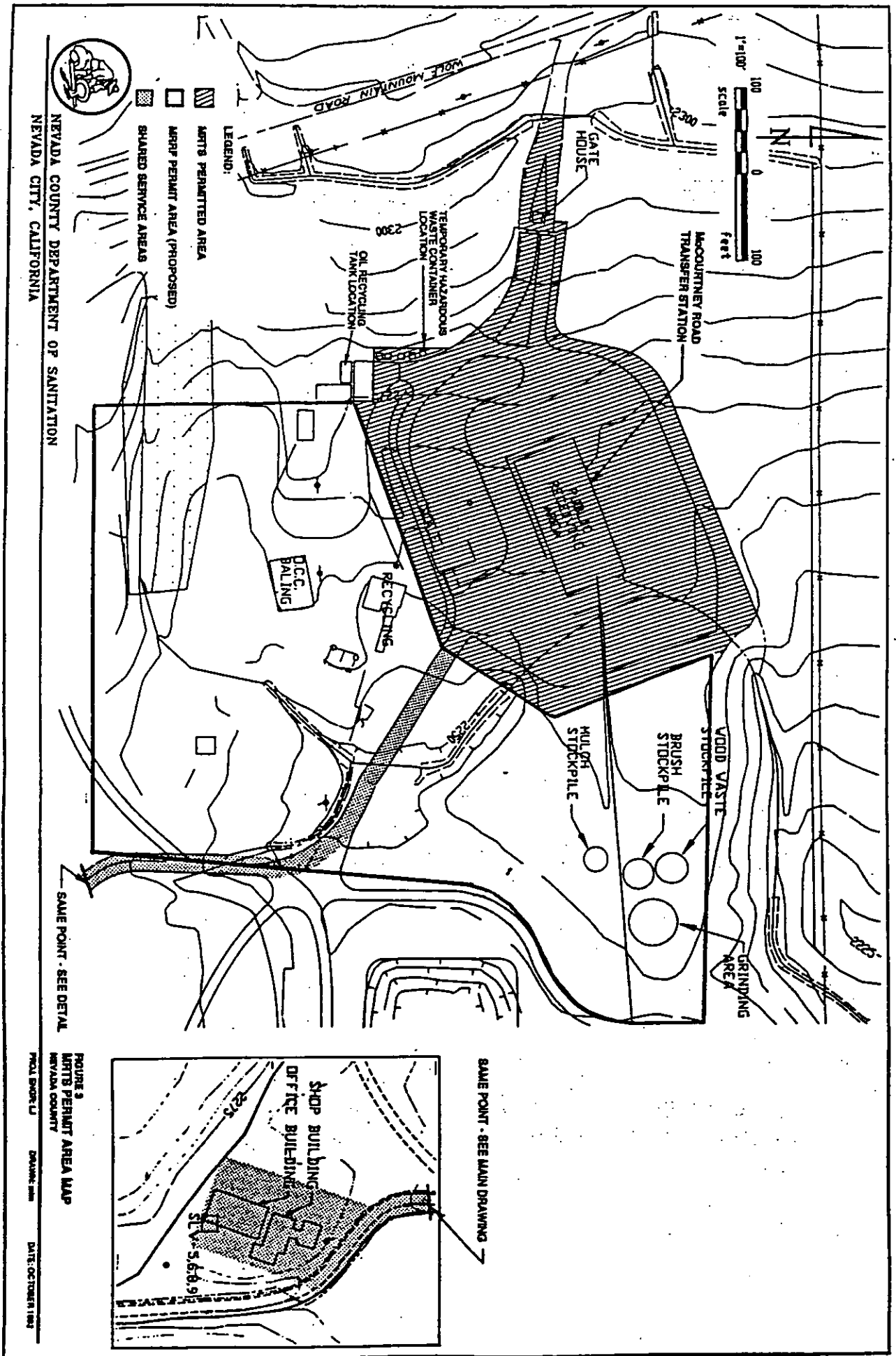
-
5. MMIS (Mitigation Monitoring and Implementation Schedule)
 6. Notice of Determination
 7. CIWMB Compliance Branch site history documentation
 8. Resolution No. 92-149

Prepared by: Paul Sweeney *Sweeney* Phone: 255-2577

Reviewed by: Bernie Vlach *Bernie Vlach* Phone: 255-2453

Legal Review: *R* Date/Time *12/8*





OPERATING PERMIT FOR FACILITIES
RECEIVING SOLID WASTE

TYPE OF FACILITY Transfer Station	FACILITY/PERMIT NUMBER 29-AA-0010
NAME AND STREET ADDRESS OF FACILITY McCourtney Road Transfer Station 14741 Wolf Mountain Road Grass Valley, CA 95959	NAME AND MAILING ADDRESS OF OPERATOR County of Nevada Department of Sanitation 950 Maidu Avenue Nevada City, CA 95959
PERMITTING ENFORCEMENT AGENCY California Integrated Waste Mgt. Brd.	CITY/COUNTY Nevada County

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED: _____ APPROVING OFFICER <u>Martha Vazquez</u> NAME/TITLE	AGENCY ADDRESS 8800 Cal Center Drive Sacramento, CA 95826	
SEAL	AGENCY USE/COMMENTS	
	PERMIT RECEIVED BY CWMB NOV 16 1992	CWMB CONCURRENCE DATE
	PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE

SOLID WASTE FACILITIES PERMIT

McCourtney Road Transfer Station 29-AA-0010

Site History: The McCourtney Landfill site has been used for solid waste disposal purposes since the early 1950s. It was first operated as a burn dump then, beginning around 1972, as a landfill. Operations now include an associated recycling center and white metal collection area. The last permit issued for this site was in 1978. Enforcement action by the California Integrated Waste Management Board (CIWMB) was enjoined in May of 1989 due to numerous violations of State Minimum Standards.

A Judgment Pursuant to Stipulation (JPS) between the State of California and the County of Nevada (County) was signed March 4, 1991. In the JPS the County agreed to pursue and complete a series of corrective actions designed to bring the McCourtney Landfill site operation into compliance with State Minimum Standards and permit conditions. The corrective actions included: a Hydrogeologic Study, investigation of an unlined waste management unit and the White Metals Area, closure and mitigation of unlined seepage ponds, relocation of the landfill gas flare, preparation of a current County Integrated Waste Management Plan, and preparation of a complete application for a Revised Solid Waste Facilities Permit (SWFP) or Final Closure/Postclosure Maintenance Plans. The JPS also allowed the County to conduct certain operations until a Revised SWFP was issued (i.e., operation of a newly constructed Public Receiving Area for waste unloading).

The County evaluated the relative merits of continuing solid waste disposal operations at the McCourtney Landfill versus contracting with others to achieve the same ends. They decided to pursue site closure and, in order to provide continued solid waste disposal services to the Western Nevada County population, entered into a long haul contract in the Summer of 1992 with a private firm to remove wastes to the Anderson Solid Waste Landfill in Shasta County, California. (Facility No. 45-AA-0020, CIWMB permit concurrence date November 20, 1991).

Under the authority of the JPS, the County began utilizing the existing on-site Public Receiving Area as a Large Volume Transfer Station, hereafter referred to as the McCourtney Road Transfer Station (MRTS), on December 1, 1992. Adjacent ongoing recycling operations will continue but will not be connected with any MRTS permitted activity.

The purpose of this permit is to address all requirements for the operation of the MRTS to comply with State Minimum Standards.

FINDINGS:

1. A. The proposed facility is owned and operated by:

County of Nevada
Department of Sanitation
Eric Rood Administration Center
950 Maidu Avenue
P.O. Box 6100
Nevada City, California 95959
(916) 265-1555

B. The following are anticipated changes which may take place within the next five (5) years:

1. Closure of the McCourtney Landfill.
2. Development adjacent to the MRTS consisting of a material recovery facility, compost facility, and household hazardous waste collection facility, each under separate permits.

C. Watt Park Fire Protection District has determined that the MRTS is in conformance with applicable fire standards with the exception of a permanent fire suppression water supply system. (See CONDITION #1)

D. This permit is consistent with the requirements of Public Resources Code, Section 50000 (b).

E. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal. Site inspections were performed by CIWMB staff on October 29, 1992, September 25, 1992, and August 27, 1992.

F. The Nevada County Planning Department has determined that the MRTS is consistent with the County General Plan.

G. A Notice of Determination dated September 16, 1992 was filed with the State Clearinghouse, pursuant to Public Resources Code, Section 21081.6

H. The Nevada County Planning Department has made a written finding that surrounding land use is compatible with facility operation. (See adopted Negative Declaration, Land Use Section).

I. This permit is consistent with standards adopted by the CIWMB.

2. The following agencies and documents condition the operation of this facility:

A. NOTE: No Use Permits or Conditional Use Permits are required by the Nevada County Planning Department.

B. Nevada County Solid Waste Management Plan, 1989.

C. California Integrated Waste Management Board: Judgment Pursuant to Stipulation, March, 1991.

D. Resolution No. 92600 of the Board of Supervisors of the County of Nevada: A resolution adopting a Mitigated Negative Declaration for the Nevada County Solid Waste Disposal System: Transfer-Station and Long-Haul. (NC92-002/EIS92043.)

E. California Regional Water Quality Control Board, Central Valley Region (CVRWQCB) Order No. 91-229: Waste Discharge Requirements for County of Nevada Department of Sanitation McCourtney Road Landfill Class III Landfill, Class II Surface Impoundments, Class II Land Treatment Units, Nevada County.

- F. Report of Disposal Site Information for McCourtney Road Large Volume Transfer Station, November, 1992.
- G. MRTS Site Identification and Description pursuant to PRC Section 50000 (b), as described in applicable 1991 Countywide Integrated Waste Management Plan (CIWMP), Summary Document, Section 3.4.3 (New Facilities); Siting Element, Section 10.1 (Future Transfer Facilities).
- H. The Western Nevada County, McCourtney Road Transfer Station Operations Plan, November, 1992

SPECIFICATIONS:

- A. Any change that would cause this facility not to conform to terms or conditions of the permit is prohibited. Such a change would be considered a **significant change** and require a permit revision.
- B. This facility has a permitted daily capacity of 180 tons per day and shall not receive more than this amount without first obtaining a revision of the permit.
- C. A change in the operator of this facility would require a new permit.
- D. Some special wastes are not received at this site on a routine basis (see SPECIFICATION H).
- E. Other special wastes may be acceptable with written consent of the Local Enforcement Agency (LEA).
- F. The proposed facility is located on 2.12 acres of the existing McCourtney Landfill site which encompasses 140 acres as described in the 1978 SWFP. Since 1989 an additional 104 acres have been acquired as site perimeter buffer zones. Existing landfill areas will be brought to final grade (closure plans in preparation). The site is located in NE 1/4, Sections 8, and portions of 5 and 9, Township 15N, Range 8E, Mount Diablo Base Meridian of the USGS Grass Valley, California Quadrangle Map. The access route is McCourtney Road south from Grass Valley approximately six miles to Wolf Mountain Road. Wolf Mountain Road south leads to the McCourtney Landfill entrance road. Eastern access is from Indian Springs Road to McCourtney Road, McCourtney Road north to Wolf Mountain Road.
- G. The proposed facility will be provided with electricity, bottled water, one (1) on-site portable lavatory (with toilet and handwashing facilities), an office (shared with landfill closure staff) with telephone, restroom, shower and handwash facilities. On-site communication will be with Citizens Band radios.

Site security is maintained by fencing and naturally occurring barriers of the McCourtney Landfill perimeter. The facility utilizes a combined scalehouse and a fee collection booth. Customers with recyclables and refuse will have access to both the recycling operations and MRTS via common internal roads. A maintenance building for County staff equipment is shared with landfill closure staff. However, the MRTS contractor will not utilize this structure for equipment maintenance. Contract conditions require all contractor equipment to be maintained off-site.

wastewater/leachate generated from the MKTS operation is collected and drained into a 1.5 million gallon Class II surface impoundment located within the landfill boundary, but out of the MRTS permitted area.

- H. Non-hazardous solid wastes received at this facility consists of general residential waste and commercial waste. Neither hazardous waste, non-hazardous liquid waste, or sludge are accepted at this facility.

Special Wastes such as dead animals, ash, 'exempt' medical wastes (i.e., used diabetic syringes from individual households), and treated medical wastes are required to be declared at the scalehouse during initial load checking. These wastes, if accepted, are immediately loaded into the long-haul trailer. Special wastes are prohibited from contacting the MRTS floor.

- I. McCourtney Landfill operator waste flow records were used to calculate maximum peak daily loading estimates for the MRTS. Peak daily loading for the MRTS is 180 tons per day (TPD). The average daily throughput is estimated to be 74 TPD. Accommodations for unusual peak loading are described in the Report of Station Information (RSI).
- J. Refuse enters the site, goes through initial load check and is weighed at the scalehouse. Signs then direct the vehicles to the MRTS for customer drop-off of waste. Waste is then loaded into the long-haul trailers for transfer to the contracted disposal site. Maximum Daily Capacity calculations provide five (5) truck trailer/container units of approximately 22-24 tons each. The peak daily loading of 180 TPD divided by 22 tons per truck, yields 8.2 trucks per day. Therefore, the maximum number of truck trips per day shall not exceed nine (9). A partially loaded trailer may be stored on-site overnight, then transported the next day.

The maximum number of vehicles using the facility daily is 559 (550 Incoming waste material, 9 Outgoing waste material).

The projected monthly cumulative tonnage, based on 180 TPD is 5400 Tons. The yearly projection is 64800 Tons. The Average Load Capacity for the next five years, based on a three percent annual increase using a minimum of 74 TPD, is presented in the RSI.

- K. Salvaging is permitted only by MRTS staff when intercepting recyclables in the waste stream. Customers are encouraged to deposit only refuse at the MRTS. Recyclables and wood waste are directed to the recycling operations.
- L. Unacceptable or hazardous wastes identified through the load-check program or intercepted in the waste stream, will not be permitted and must leave the site with the customer. Such wastes that evade load-check screening are to immediately be isolated from the public and operations. Intercepted hazardous wastes are to be properly transported by trained staff to the site Temporary Hazardous Waste Storage Containers. All hazardous wastes are to be logged in, stored in the appropriate containers and at no time co-mingled with other wastes that may be non-compatible and/or reactive. Storage of intercepted hazardous wastes shall be in accordance with California Health and Safety Code, Chapter 6.5. Wastes shall be removed by a licensed hazardous materials hauler.
- M. The hours of operation are from 8:00 a.m. to 3:30 p.m., seven (7) days per week with the exception of extreme inclement weather. The site is closed for: New Years Day, Easter Sunday, Independence Day, Thanksgiving Day, and Christmas Day. Operator and Contractor staff conduct solid waste operations from 8:00 a.m. to 5:00 p.m., seven days per week, except for the above mentioned holidays.

CONDITIONS/REQUIREMENTS:

1. The operator shall install a permanent fire suppression water supply system as approved by the Watt Park Fire Protection District. The installation shall receive final approval from the Watt Park Fire Protection District by April 30, 1993 or this permit is subject to revocation.
2. The MRTS must comply with State Minimum Standards for Solid Waste Handling and Disposal as Stipulated in the California Code of Regulations, Title 14, Chapter 3.
3. This facility must comply with all federal, state, and local requirements and enactments, including all mitigation measures given in any certified environmental document filed pursuant to Public Resources Code (PRC), Section 21081.6.
4. Additional information must be provided immediately as required by the LEA or any other authorized Agency.
5. MRTS operation must conform to the Nevada County 1989 County Solid Waste Management Plan, until the CIWMP is approved by the CIWMB.
6. The operator shall maintain a copy of this Permit and all ancillary documents at the facility. These shall be available at all times upon request of facility personnel, the LEA and any other authorized personnel, (eg., CIWMB, CVRWQCB).
7. Agricultural waste, yard waste, untreated construction/demolition wood waste, street refuse, white metal and tires are acceptable for disposal. However, in order to comply with AB 939 mandates, the operator must actively pursue waste diversion; see Mitigation Monitoring and Implementation Schedule #9.

PROHIBITIONS:

1. The following non-hazardous wastes require special handling: dead animals, ash, and exempt or treated medical waste (see SPECIFICATIONS, paragraph H).
2. This facility shall not accept the following wastes for which it is not approved:
 - A. Non-hazardous liquid wastes, containerized or not.
 - B. Hazardous wastes.
 - C. Bio-medical/infectious wastes.
 - D. Hot ashes.
 - E. Sludge (including septic tank pumpings).
 - F. Food processing/cannery wastes.
 - G. Asphalt or concrete.

3. This facility shall not conduct any of the following activities:

- A. Burning of wastes.
- B. Scavenging.
- C. Operating after dusk (except in emergencies).
- D. Storage of wastes in excess of 48 hours.

PROVISIONS:

- 1. This permit is subject to review by the LEA and may be modified, suspended or revoked for sufficient cause following a hearing process.
- 2. Any complaints pertaining to the facility received by the operator shall be forwarded to the LEA within one (1) working day. This includes receipt of a notice of violation or notification of complaints about the facility received by other agencies.

CLOSURE/POSTCLOSURE:

- 1. There are no closure plans for this facility at this time.

SELF-MONITORING:

The following items shall be monitored by the operator of this facility or his agent. Records including, but not limited to these items, shall be kept and made available to the LEA upon request:

- 1. The operator shall maintain a record of total daily waste tonnage, also the number of vehicles, both private and commercial, entering the facility daily. The report shall be submitted to the LEA monthly.
- 2. The operator shall maintain a log of special occurrences which includes, but is not limited to: fires, injuries, property damage, accidents, explosions, and inspections by any government agencies or special visitors. The operator shall maintain this log so as to be available at all times to site personnel, the LEA and any other applicable governmental agency.
- 3. Records of all incidents of unlawful disposal of prohibited materials and hazardous materials, the operator's actions and the final disposition of the materials shall be maintained in the special occurrences log and reported to the LEA immediately.
- 4. The operator shall maintain a record of all complaints registered against the facility and any actions taken to resolve justified complaints.
- 5. The operator shall maintain daily records of any staffing shortages (both operator and contractor), rainfall during the wet weather season, any equipment failure and any unscheduled shut-down.

State of California

California Environmental
Protection Agency

MEMORANDUM

To: Paul Sweeney

Date: November 20, 1992

From:

Dianne Range
Dianne Range, Manager

Local Assistance Branch, North

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: McCourtney Road Transfer Station

Board staff find the McCourtney Road Transfer Station will not impair or prevent achievement of the 25% and 50% diversion goals. The facility is consistent with the general plan and has been reviewed by the Local Task Force, as required by statute.

The waste from Nevada City, Grass Valley, and the western unincorporated area of the county will go through the transfer station for hauling out of county. According to the jurisdictions' Source Reduction and Recycling Elements and Ralph Eymann, the County's Recycling Coordinator, the combined current diversion for these jurisdictions is approximately 19%. Diversion will occur through a combination of programs in the cities and the unincorporated area: curbside, buyback, drop-off, a material recovery facility (MRF), and a regional composting facility. The jurisdictions expect to achieve the 25% and 50% diversion goals.

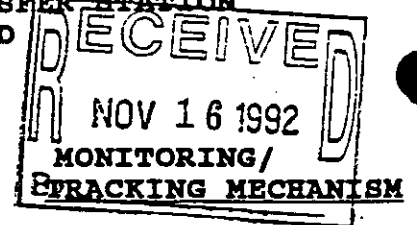
The transfer station is located at the site of the former landfill. Also located here is a recycling center, which will be developed into a MRF; a white metal goods collection area; and a wood waste diversion area. As loads arrive at the gatehouse, the recyclables are directed to the recycling center. For recyclable material which is discovered at the transfer station, only transfer station staff will salvage it and send it to the recycling center.

The transfer station is a part of the waste management system being developed by the County. The County plans to develop three facilities at this location: a MRF, a composting facility, and a household hazardous waste facility.

The Nevada County Board of Supervisors passed Resolution 91737 stating the facility site is consistent with the General Plan (PRC Section 50000.5).

The facility site and identification has been reviewed by and commented on by Nevada County's Local Task Force, according to the requirements of PRC Section 50000(d).

MITIGATION, MONITORING AND IMPLEMENTATION SCHEDULE
 MCCOURTNEY ROAD LARGE VOLUME TRANSFER STATION
 14741 WOLF MOUNTAIN ROAD
 GRASS VALLEY, CA



<u>IMPACT</u>	<u>MITIGATION</u>	<u>MONITORING</u>	<u>MONITORING/ SPRACKING MECHANISM</u>
1. Odor	Putrescible waste shall be serviced first. Equipment shall be routinely cleaned. Maximum time waste will remain on-site will be 48 hours.	LEA	Monthly inspection/ receipt of complaint
2. Dust	Unpaved roads shall be maintained and watered as needed. Wastes that produces dust shall be sprayed down.	LEA	Monthly inspection/ receipt of complaint
3. Water	All runoff/leachate is quality collected in a sump and is gravity fed to the 1.3 MG Class II pond.	LEA	Monthly inspection/ receipt of complaint
4. Litter	Litter will be collected on-site daily and off-site as needed.	LEA	Monthly inspection/ receipt of complaint
5. Noise	Vehicles and equipment must be equipped with mufflers and properly maintained.	LEA	Monthly inspection/ receipt of complaint
6. Vectors	Daily removal of waste will minimize vector propagation.	LEA	Monthly inspection/ receipt of complaint
7. Fire	Provided by adjacent Watt Park Station 2, two 2,500 G water tanks and portable fire extinguishers.	LEA	Monthly inspection/ receipt of complaint
8. Lights	Operation after dusk prohibited. Loader equipped with lights for emergency use.	LEA	Monthly inspection/ receipt of complaint
9. Waste Diversions	Operator shall pursue waste diversion efforts for: agricultural waste, yard waste, untreated construction/demolition wood waste, street refuse, white metal, and tires.	LEA	Monthly inspection/ receipt of complaint

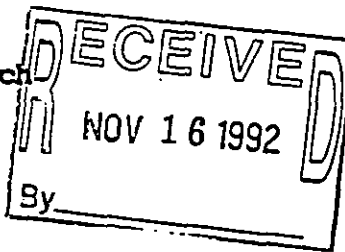
NOTICE OF DETERMINATION

XXX Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

XXX County Clerk
County of Nevada

FROM: Nevada County Planning Department
950 Maichu Ave. (P. O. Box 6100)
Nevada City, CA 95959-6100

SUBJECT: Filing of Notice of Determination in compliance
with Section 21108 or 21152 of the Public Resources
Code.



FOR USE BY COUNTY
CLERK'S OFFICE

FILED

1992 NOV -5 PM 2:20

BRUCE C. BOLINGER
NEVADA COUNTY CLERK

BY BS 92-078 DEPUTY

Document Number

Project Title

NC92-002/EIS92-043 - County of Nevada - Dept. of Sanitation - Western Nevada County
Transfer Station and Long Haul

<u>State Clearinghouse</u>	<u>Contact Person</u>	<u>Telephone Number</u>
(If submitted to Clearinghouse)		

SCH# 92082009	Randy Wilson, Planner III	(916) 265-1331
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Project Location

McCourtney Road, Grass Valley

Project Description

This project is composed of dumping municipal solid waste at a transfer station located on the County-owned McCourtney Road property and transporting this solid waste to the Anderson Disposal Site located near Anderson, California.

This is to advise that the Nevada County Board of Supervisors (XX Lead Agency or Responsible Agency) has approved the above described project on September 15, 1992, and has made the following determinations regarding the above described project:

1. The project ___ will, XX will not, have a significant effect on the environment.
- 2- ___ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 XX A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures XX were, ___ were not, made a condition of the approval of the project.
4. A statement of Overriding Considerations ___ was, XX was not, adopted for this project.
5. Findings XX were, ___ were not made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration or Final EIR with comments and responses and record of project approval is available to the General Public at the Nevada County Planning Department, 950 Maichu Avenue, Nevada City, California 95959.

Sandy Wilson
Signature (Public Agency)

9/16/92 Planner III
Date Title

Site History: The McCourtney Landfill site has been used for solid waste disposal purposes since the early 1950s. It was first operated as a burn dump then, beginning around 1973, as a landfill with an associated recycling center and white metal collection area. The last permit issued for this site was in 1978. Enforcement action by the CIWMB was enjoined in May of 1989 due to numerous violations of State Minimum Standards.

A Judgment Pursuant to Stipulation (JPS) between the State of California and the County of Nevada (County) was signed March 4, 1991. In the JPS the County agreed to pursue and complete a series of corrective actions designed to bring the McCourtney Landfill site operation into compliance with State Minimum Standards and permit conditions. The corrective actions included: a Hydrogeologic Study, investigation of an unlined waste management unit and the White Metals Area, closure and mitigation of unlined septage ponds, relocation of the landfill gas flare, preparation of a current County Integrated Waste Management Plan, and preparation of a complete application for a Revised Solid Waste Facilities Permit (SWFP) or Final Closure/Postclosure Maintenance Plans (FCPMP). The JPS also allowed the County to conduct certain operations until a Revised SWFP was issued (i.e., operation of a newly constructed Public Receiving Area (PRA) for waste unloading). In addition, because the Nevada County Department of Environmental Health (NCDEH) (the Local Enforcement Agency) was not able to take appropriate enforcement action at the time, the JPS stipulated the Board to act as the enforcement agency for this facility.

Faced with a December 31, 1992 JPS stipulated deadline for submittal of a complete application for a Revised SWFP or FCPMP, the County evaluated the relative merits of continuing solid waste disposal operations at the McCourtney Landfill versus contracting with others to achieve the same ends. They decided to pursue site closure and, in order to provide continued solid waste disposal services to the Western Nevada County population, entered into a long haul contract with, a private firm to remove wastes to the Anderson Solid Waste Landfill in Shasta County, California. (Facility No. 45-AA-0020, CIWMB permit concurrence date November 20, 1991).

Under the authority of the JPS, the County began utilizing the existing on-site Public Receiving Area as a Large Volume Transfer Station, hereafter referred to as the McCourtney Road Transfer Station (MRTS), on December 1, 1992.

The County is currently addressing the remaining outstanding issues of the JPS including completion of FCPMP and a Hydrogeologic Study. When completed to the satisfaction of the CIWMB, the JPS will be terminated.

The purpose of this permit is to address all requirements for the operation of the MRTS to comply with State Minimum Standards. Because it was anticipated that LEA responsibilities for this facility will soon be returned to the NCDEH, this was written by NCDEH staff.

On October 20, 1992, CIWMB staff received a draft Report of Station Information (RSI) from the Nevada County Department of Sanitation (NCDOS). CIWMB staff responded with the NCDEH with comments to the draft RSI in a letter dated November 4, 1992.

On November 9, 1992, a draft SWFP written by the NCDEH was received by CIWMB staff. In a letter dated November 10, 1992, CIWMB staff commented on the draft SWFP to the NCDEH.

On November 16, 1992, the CIWMB received a draft proposed permit from the NCDEH and a revised RSI for the MRTS from the NCDOS.

The proposed SWFP before you today has been thoroughly reviewed by CIWMB staff. Only a few, relatively minor changes to the NCDEH's November 16, 1992 draft proposed permit were needed and have been made.

ATTACHMENT 8

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Permit Decision No. 92-149
December 18, 1992

WHEREAS, the Nevada County Department of Environmental Health, acting as the Local Enforcement Agency, has submitted to the Board for consideration for issuance, or objection to a new Solid Waste Facilities Permit for the McCourtney Road Transfer Station; and

WHEREAS, Board staff has evaluated the proposed permit that was submitted on November 9, 1992 for consistency with the standards adopted by the Board; and

WHEREAS, information necessary to condition the design and operation at the facility which would control the adverse environmental effect of the proposed project was inadequate; and

WHEREAS, the lack of specificity in the proposed permit; and

WHEREAS, the proposed project was not in conformance with PRC 50000; and

WHEREAS, Board staff has evaluated the McCourtney Road Transfer Station for compliance with the State Minimum Standards for Solid Waste Handling and Disposal Regulations under Division 7, Title 14, of the California Code of Regulations; and

WHEREAS, the Nevada County Department of Environmental Health, with the approval of the operator, submitted to the Board on November 16, 1992 a proposed permit and additional documentation. The proposed permit and supporting documents addressed the deficiencies noted on the November 9, 1992 package; and

WHEREAS, the proposed permit was received and deemed complete by the CIWMB on November 16, 1992; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 29-AA-0010.



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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, California 95826



*Michael Frost, Chairman
Wesley Chesbro, Vice Chairman
Sam Egigian, Board Member
Jesse Huff, Board Member
Kathy Neal, Board Member
Paul Relis, Board Member*

**Wednesday, November 18, 1992
Meeting of the**

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**REGULAR MONTHLY BUSINESS MEETING**

**Wednesday, November 18, 1992
10:00 a.m.**

**8800 Cal Center Drive
Sacramento, CA 95826**

AGENDA

- Note:**
- o *Agenda items may be taken out of order.*
 - o *Persons interested in addressing the Board must fill out a speaker request form and present it to the Board's Administrative Assistant on the date of the meeting.*
 - o *If written comments are submitted, please provide 20 two-sided copies.*

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is first considered.

To comply with legal requirements, this Notice and Agenda may be published and mailed prior to a Committee Meeting where determinations are made regarding which items go to the Board for action. Some of the items listed below, therefore, may, upon recommendation of a Committee, be pulled from consideration by the full Board.

1. CONSIDERATION OF CONSENT AGENDA ITEMS
2. REPORTS OF THE BOARD'S COMMITTEES
3. CONSIDERATION OF CONTRACTS AND INTERAGENCY AGREEMENTS
4. DISCUSSION AND CONSIDERATION OF ADOPTION OF FINDING OF EMERGENCY AND APPROVAL OF EMERGENCY USED OIL RECYCLING REGULATIONS (14 CCR AMENDING SECTION 18601, DEFINITIONS, AND ADOPTING SECTIONS 18619.1 THROUGH 18619.5 AND SECTIONS 18640 THROUGH 18659.5) [REGULATIONS RELATE TO CERTIFICATION OF RECYCLING FACILITIES AND COLLECTION CENTERS, REGISTRATION OF INDUSTRIAL GENERATORS, CURBSIDE COLLECTION PROGRAMS AND ELECTRIC UTILITIES, LOCAL GOVERNMENT GRANT PROGRAMS, THE INCENTIVE FEE CLAIM PROCESS, AND THE AUDITING PROCESS.] (INTEGRATED WASTE MANAGEMENT PLANNING COMMITTEE)
5. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF BUTTE COUNTY HEALTH DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY FOR THE COUNTY OF BUTTE (PERMITTING AND ENFORCEMENT COMMITTEE)
6. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE CALAVERAS COUNTY HEALTH DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY FOR THE COUNTY OF CALAVERAS (PERMITTING AND ENFORCEMENT COMMITTEE)
7. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF EL DORADO COUNTY BUILDING DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY FOR THE COUNTY OF EL DORADO (PERMITTING AND ENFORCEMENT COMMITTEE)
8. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES AS THE LOCAL ENFORCEMENT AGENCY FOR THE COUNTY OF MARIN (PERMITTING AND ENFORCEMENT COMMITTEE)
9. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF MERCED COUNTY DEPARTMENT OF PUBLIC HEALTH, DIVISION OF ENVIRONMENTAL HEALTH AS THE LOCAL ENFORCEMENT AGENCY FOR THE COUNTY OF MERCED (PERMITTING AND ENFORCEMENT COMMITTEE)
10. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF NAPA COUNTY DIVISION OF ENVIRONMENTAL HEALTH AS THE LOCAL ENFORCEMENT AGENCY FOR THE COUNTY OF NAPA (PERMITTING AND ENFORCEMENT COMMITTEE)
11. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF PLACER COUNTY DEPARTMENT OF HEALTH AND MEDICAL SERVICES AS THE LOCAL ENFORCEMENT AGENCY FOR THE COUNTY OF PLACER (PERMITTING AND ENFORCEMENT COMMITTEE)
12. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE SAN LUIS OBISPO COUNTY HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH AS THE LOCAL ENFORCEMENT AGENCY FOR THE

C = Consent (Partial List)

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AB 1787 (BOWEN); AB 1984 (BORNSTEIN); AB 2136 (EASTIN); AB 2212 (LEE); SB 744 (MCCORQUODALE); SB 817 (WRIGHT); SB 855 (GREENE); SB 1132 (LESLIE) (LEGISLATION AND PUBLIC AFFAIRS COMMITTEE)

12. CONSIDERATION OF ADOPTION OF EMERGENCY REGULATIONS FOR SUBTITLE D MUNICIPAL SOLID WASTE LANDFILLS (PERMITTING AND ENFORCEMENT COMMITTEE)
13. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE AQUA CLEAR FARMS, INC., SOLANO COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE)
14. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE SUNNYVALE MATERIAL RECOVERY AND TRANSFER (SMART) STATION, SANTA CLARA COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE)
15. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE RELIANCE PIT NO. 2 LANDFILL, LOS ANGELES COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE)
16. CONSIDERATION OF FINANCIAL ASSURANCE ISSUES RELATED TO CLOSURE AND POSTCLOSURE MAINTENANCE OF SOLID WASTE LANDFILLS (PERMITTING AND ENFORCEMENT COMMITTEE)
17. CONSIDERATION OF APPROVAL OF SEVEN RECYCLING MARKET DEVELOPMENT ZONE LOANS FOR THE SECOND QUARTER OF 1993 (MARKET DEVELOPMENT COMMITTEE)
18. CONSIDERATION OF APPROVAL OF RECYCLING MARKET DEVELOPMENT ZONE LOAN FOR CYCLEAN, INC. FOR THE SECOND QUARTER OF 1993 (MARKET DEVELOPMENT COMMITTEE)
19. CONSIDERATION OF PROPOSED AMENDMENTS TO THE RECYCLING INVESTMENT TAX CREDIT LEGISLATION (MARKET DEVELOPMENT COMMITTEE)
20. CONSIDERATION OF ADOPTION OF THE STAFF RECOMMENDATIONS FOR THE FY 92/93 LOCAL GOVERNMENT INNOVATIONS PROGRAM (WASTE TIRE MANAGEMENT PROJECTS) CONTRACT AWARDS (ADMINISTRATION COMMITTEE)
21. DISCUSSION OF THE LOCAL GOVERNMENT TECHNICAL ADVISORY COMMITTEE'S RECOMMENDATIONS TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD ON U.S. EPA SUBTITLE D STATE PROGRAM APPROVAL (40 CODE OF FEDERAL REGULATIONS, PART 258)

THE FOLLOWING ITEMS WILL BE HEARD BY THE BOARD ON THURSDAY, MAY 27, 1993, AT 9:30 A.M., IN THE RIVERSIDE COUNTY BOARD OF SUPERVISORS CHAMBERS:

22. PRESENTATIONS BY LOCAL OFFICIALS

23. PRESENTATION BY WEINE O. WIKVIST, CONSUL, ATTACHE OF SCIENCE AND TECHNOLOGY, SWEDISH OFFICE OF SCIENCE AND TECHNOLOGY
24. PRESENTATION BY RONALD LEVERIDGE, ASSOCIATE PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF CALIFORNIA, RIVERSIDE
25. OPEN DISCUSSION
26. ADJOURNMENT

Notice: The Board may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126 (a) and (q), respectively.

For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Catherine Foreman
(916) 255-2156

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

November 18, 1992

AGENDA ITEM 3

ITEM: Consideration of Contracts and Interagency Agreements

BACKGROUND:


Staff is requesting that the Board consider award of one contract where the concept was approved at the September 30, 1992 Board meeting. The contract will be an interagency agreement with the Department of Finance for Economic Analysis of Statewide Funding Alternatives.

ANALYSIS:

Adoption of Resolution 92-159 by the Board will allow the following interagency agreement to proceed:

Department of Finance (DOF) - \$100,000
Economic Analysis of Statewide Funding Alternatives

Attachments: 1. Contract
2. Resolution

Prepared by : Susan Villa^{SV}
Reviewed by : Bonnie MacDuffee (BLM)
Reviewed by : Bob Del Agostino (BSA)
Legal Review : 

Phone 255-2245
Phone 255-2710
Phone 255-2269
Date/Time 11/6/92

INTERAGENCY AGREEMENT

STD. 13 (REV. 9-89)

Attachment 1

NUMBER

IWM-C2036

DFR51

THIS AGREEMENT is entered into this 18th day of November, 19 92,
by and between the undersigned State Agencies:

Set forth services, materials, or equipment to be furnished, or work to be performed, and by whom,
time for performance including the terms, date of commencement and date of completion, and provision
for payment per (1225 and 8752-8752.1 SAM.)

Distribution:

- ☐ Agency providing services
☐ Agency receiving services
☐ Department of General Services
(unless exempt from DGS
approval)
☐ Controller

1. The purpose of this Interagency Agreement is to have the Department of Finance (DOF) provide technical assistance to the California Integrated Waste Management Board (CIWMB) to assist in evaluating alternative funding mechanisms for state integrated waste management programs. Specific issues to be addressed during this effort are specified in the attached Exhibit A, which is hereby incorporated herein.
2. The term of this Interagency Agreement shall be from November 18, 1992 through June 30, 1993.
3. CIWMB agrees to provide such information and data as DOF determines necessary to meet the intent and purpose of Exhibit A. CIWMB further agrees to provide adequate work space.
4. In consideration of the satisfactory performance of services as specified in Exhibit A, CIWMB agrees to pay DOF for professional services a flat fee of \$100,000 in two equal installments: the first \$50,000 shall be paid on or after December 31, 1992 and the second \$50,000 shall be paid upon transmittal of the final report. The above charges have been computed in accordance with Section 8752 of the State Administrative Manual. The total payment under this agreement shall not exceed \$100,000 and shall constitute full reimbursement for all staff, facility, travel and any equipment cost.
5. The agreement may be amended at any time with the written mutual consent of the parties involved.
6. This agreement may be canceled by either party on 30 days written notice, but CIWMB agrees to reimburse DOF on a pro-rata basis for any work performed up to the time of cancellation.
7. Without the written consent of CIWMB, this agreement is not assignable in whole or part by DOF.

(Continued on _____ sheets which are hereby attached and made a part hereof)

NAME OF STATE AGENCY RECEIVING SERVICES CA Integrated Waste Management Board	NAME OF STATE AGENCY PROVIDING SERVICES Department of Finance
CALLER ABOVE (SHORT NAME) CIWMB	CALLER ABOVE (SHORT NAME) DOF
AUTHORIZED SIGNATURE ▷	AUTHORIZED SIGNATURE ▷
PRINTED NAME AND TITLE OF PERSON SIGNING Ralph E. Chandler, Executive Director	PRINTED NAME AND TITLE OF PERSON SIGNING Alan Oldall, Chief Administrative Services
FUND NUMBER AND NAME	FUND NUMBER AND NAME

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 100,000	PROGRAM/CATEGORY (CODE AND TITLE) (OPTIONAL USE)	FUND TITLE IWM Clearing Account
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT \$	ITEM 3910-001-387	CHAPTER 587
TOTAL AMOUNT ENCUMBERED TO DATE \$ 100,000	STATUTE 1992	FISCAL YEAR 92/93
OBJECT OF EXPENDITURE (CODE AND TITLE) 3050-12500-398		
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.
SIGNATURE OF ACCOUNTING OFFICER X		B.R. NO.
		DATE

**Department of General Services
Use Only**

Project Scope
2 H 239 AR

Economic Analysis of Statewide Funding Alternatives
for the
California Integrated Waste Management Board

PURPOSE

To provide technical assistance to the California Integrated Waste Management Board (Board) to assist in evaluating alternative funding mechanisms for state integrated waste management programs.

BACKGROUND

Currently, the Board relies on funding for its programs primarily from revenues based on fees collected at the time waste materials are disposed, commonly called a "back-end fee." The Board is initiating a project to analyze alternative funding mechanisms. This analysis will include consideration of all alternative fee mechanisms, including fees levied prior to disposal, known as "advanced disposal fees" (ADFs), as well as alternative back-end fees.

The Board has asked the Department of Finance (DOF) to provide technical assistance in its evaluation of various funding alternatives. The assistance will focus on evaluating implementation issues associated with each alternative, including defining roles and responsibilities, costs of collection, potential difficulties of collection, etc.

TASKS

NOTES: Board and DOF staff will jointly specify the scope of each task at the initiation of each phase of the project. Board staff will provide existing Board documents and information pertinent to each task. Some tasks may be omitted or expanded based on the progress of the project, and available resources.

• Phase One

1. Conduct a review of literature related to funding integrated waste management programs, including experience in other states and countries.
2. Summarize current local and state funding mechanisms for integrated waste management in California.
3. Identify alternative funding mechanisms for state integrated waste management programs.

- Phase Two

4. Summarize California's experience with state-administered funding mechanisms which may serve as models for integrated waste management funding. The analysis should include but not be limited to recycling processing fees, cigarette fees, "snack" tax implementation and sales tax collection.

5. Summarize the methods of assessment and collection associated with each funding mechanism, including but not limited to the roles and responsibilities of the Board and other public agencies, costs of collection and potential administration difficulties.

- Phase Three

6. Prepare a qualitative summary, evaluating each existing and potential funding mechanism.

7. For specified funding alternatives, prepare a detailed, quantitative evaluation of implementation issues.

8. Compile the results of all tasks into a comprehensive final report.

California Integrated Waste Management Board

Resolution 92-159

November 18, 1992

BE IT RESOLVED that the Board hereby awards the Economic Analysis of Statewide Funding Alternatives contract to the Department of Finance. The total amount of this contract will not exceed \$100,000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on November 18, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

November 18, 1992

AGENDA ITEM 3

ITEM: Consideration of Contracts and Interagency Agreements

BACKGROUND:

The scope of work for the Landfill Gas Research study which includes: A) Methane Balance Technique for Evaluation of Landfill Gas Migration Control System, and B) Effect of Probe Design and Sampling Practices on Observed Soil Gas Concentrations was heard by the Board at its April 1992 Board meeting. It was intended that the work be performed by Argonne National Laboratory (ANL), who is under contract with the U.S. Department of Energy (DOE). However, when staff started negotiating the terms of the contract with ANL it became apparent that the appropriate vehicle for accomplishing the ANL work was via an agreement with the County of Orange, who would subcontract with ANL.

Staff are now requesting that the Board amend their previous action to accurately reflect the award of this contract to the County of Orange, which currently has agreed to coordinate the Landfill Gas Research study via a subcontract with Argonne. All work anticipated under this contract will be performed by Argonne, as originally intended by the Board's action taken April 29, 1992.

ANALYSIS:

Adoption of Resolution 92-157 will amend the previous action taken by the Board in April of 1992 for award of this contract and performance by Argonne National Laboratory and will accurately reflect the award of the contract as follows:

**County of Orange/Integrated Waste Management Department
Argonne National Laboratory, subcontractor,
Landfill Gas Research Study - \$173,000**

Attachments: 1. Contract
2. Resolution

Prepared by : Susan Villa *SV*
Reviewed by : Bonnie MacDuffee *BLM*
Reviewed by : Bob Del Agostino *BD*
Legal Review : *[Signature]*

**Phone 255-2245
Phone 255-2710
Phone 255-2269
Date/Time** *11/6/92*

STANDARD AGREEMENTAPPROVED BY THE
ATTORNEY GENERAL

STD. 2 (REV. 5-91)

ATTACHMENT 1

CONTRACT NUMBER
IWM-C1053

AM. NO.

TAXPAYER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER
95-6000928 (exempt)

THIS AGREEMENT, made and entered into this 19th day of June, 1992,
in the State of California, by and between State of California, through its duly elected or appointed, qualified and acting

TITLE OF OFFICER ACTING FOR STATE
Executive Director

AGENCY

California Integrated
Waste Management Board

, hereafter called the State, and

CONTRACTOR'S NAME

The County of Orange/Integrated Waste Management Department

, hereafter called the Contractor.

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the State hereinafter expressed, does hereby agree to furnish to the State services and materials as follows: (Set forth service to be rendered by Contractor, amount to be paid Contractor, time for performance or completion, and attach plans and specifications, if any.)

The County of Orange/Integrated Waste Management Department, hereafter known as Contractor, agrees to provide and the California Integrated Waste Management Board, hereafter known as CIWMB, agrees to accept services and conditions as set forth in this Agreement

Contractor agrees to coordinate the study, "Landfill Gas Research: A. Methane Balance Technique for Evaluation of Landfill Gas Migration Control System, and B. Effect of Probe Design and Sampling Practices on Observed Soil Gas Concentrations," described more fully in Exhibit A (Scope of Work).

Argonne National Laboratory, as a subcontractor for the Contractor, shall conduct landfill gas research to: 1) study the effectiveness of using a methane balance technique for evaluating landfill gas migration control systems, and 2) study the effects of probe design and sampling practices on observed soil gas concentrations. Tasks shall be performed and reports shall be provided to the CIWMB as set forth in Exhibit A.

Contractor will be paid in accordance with Exhibit B (Budget) and Exhibit C (Instructions for Submittal of Invoices). The Contractor shall be paid lump sum in advance upon submission of an invoice to CIWMB for payment. The total amount of this contract will not exceed \$173,000.

This Agreement shall be effective June 19, 1992, and continue through December 31, 1993.

Exhibits A, B, and C are attached to this Agreement and incorporated by reference.

CONTINUED ON _____ SHEETS, EACH BEARING NAME OF CONTRACTOR AND CONTRACT NUMBER.

The provisions on the reverse side hereof constitute a part of this agreement.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

STATE OF CALIFORNIA**CONTRACTOR**

AGENCY

California Integrated Waste Management Board

CONTRACTOR (If other than an individual, state whether a corporation, partnership, etc.)
The County of Orange/Integrated Waste Mgmt. Dept.

BY (AUTHORIZED SIGNATURE)

>

BY (AUTHORIZED SIGNATURE)

▷

PRINTED NAME OF PERSON SIGNING

Ralph E. Chandler

PRINTED NAME AND TITLE OF PERSON SIGNING

Murry L. Cable, Director

TITLE

Executive Director

ADDRESS

1200 N. Main St., Suite 201, Santa Ana, Ca 92701

AMOUNT ENCUMBERED BY THIS
DOCUMENT

\$ 173,000

PROGRAM/CATEGORY (CODE AND TITLE)

FUND TITLE

IWM Clearing

(OPTIONAL USE)

PRIOR AMOUNT ENCUMBERED FOR
THIS CONTRACT

\$ -0-

ITEM
3910-001-387CHAPTER
118STATUTE
1991FISCAL YEAR
1991-92TOTAL AMOUNT ENCUMBERED TO
DATE

\$ 173,000

OBJECT OF EXPENDITURE (CODE AND TITLE)

2300/20000/398

Department of General Services
Use Only

I hereby certify upon my own personal knowledge that budgeted funds
are available for the period and purpose of the expenditure stated above.

T.B.A. NO.

B.R. NO.

SIGNATURE OF ACCOUNTING OFFICER

DATE 6/25/92

> *[Signature]*

Definitions

In interpreting this agreement, the following terms will have the meanings given to them below, unless the context clearly indicates otherwise.

- A. "Board" will mean the California Integrated Waste Management Board.
- B. "Executive Director" will mean the Executive Director of the California Integrated Waste Management Board, or his/her designate. Any references to Executive Officer will mean Executive Director or his/her designate.
- C. "State" will mean the State of California, including but not limited to, the California Integrated Waste Management Board and/or its designated officer.
- D. "Contractor" will mean the recipient of funds pursuant to this agreement.
- E. "Subcontractor" will mean a person or entity which contracts with the contractor to perform all or a portion of the work as specified in the Scope of Work, Exhibit A.

Audit. The contractor agrees that the Board, the State Controller's Office and the State Auditor General's Office, or their designated representatives, will have an absolute right of access to all of the contractor's records pertaining to the agreement to conduct reviews and/or audits. contractor's records pertaining to the agreement, or any part thereof requested, will be made available to the designated auditor(s) upon request for the indicated reviews and/or audits. Such records will be retained for at least three years after expiration of the agreement; or until completion of the action and resolution of all issues which may arise as a result of any litigation, claim, negotiation or audit, whichever is later.

The Board will have the right to review the contractor's records for the specific purpose of verifying compliance with the Minority and Women Business Enterprise requirements set out in California Government Code Section 10115 et seq. and Title 2, California Code of Regulations, sections 1896.60 et seq.

If an audit reveals the State funds are not being expended, or have not been expended in accordance with the agreement, the contractor may be required to forfeit the unexpended portion of the funds and/or repay the State for any improperly expended monies.

Availability of Funds. The State's obligations under this agreement are contingent upon and subject to the availability of funds appropriated for this contract.

Payment. The Budget, Exhibit B, states the maximum amount of allowable costs for each of the tasks identified in the Scope of Work. The State will reimburse the contractor for performing only those services specified in Exhibit B. Travel expenses will only be paid if provided for in Exhibit B.

In the event the contractor's projection of costs indicates a need to revise the Budget attached as Exhibit B, the contractor will notify the State within ten (10) working days of the discovery of need for revision.

Entire Agreement. This agreement supersedes all prior agreements, oral or written, made with respect to the subject hereof and, together with the Exhibits hereto, contains the entire agreement of the parties.

Subcontractors. The contractor will be entitled to make use of its own staff and such subcontractors as are mutually acceptable to the contractor and the State. All subcontractors specifically identified in the Scope of Work are considered to be acceptable to the State. Any change in subcontractors will be subject to the prior written approval of the Executive Director. Upon termination of any subcontract, the contractor will notify the Executive Director immediately. All provisions of this contract will apply to subcontractors.

The contractor will be responsible for the work of subcontractors. The contractor is also responsible for controlling costs and maintaining accurate records of invoices received from subcontractors. Subcontractors will be subject to any audits related to work performed as a part of, or in relation to, this agreement.

Communications. All official communication from the contractor to the State will be directed to Francisco Gutierrez, the Contract Manager, or the Executive Director, California Integrated Waste Management Board, 8800 Cal Center Drive, Sacramento, CA 95826.

All formal notices required by this agreement will be given in writing and sent by prepaid certified mail, by personal delivery or by telex.

Nondiscrimination Clause. (OCP - 2)

1. During the performance of this contract, contractor and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40) or sex. Contractors and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. Contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code are incorporated into this contract by reference and made a part hereof as if set forth in full, Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
2. This contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the contract.

Drug-Free Workplace Certification. The contractor, by signing this agreement, certifies compliance with Government Code section 8355 in matters relating to providing a drug-free workplace. The contractor will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code section 8355(a).
2. Establish a Drug-Free Awareness Program as required by Government Code section 8355(b), to inform employees about all of the following: (a) the dangers of drug abuse in the workplace, (b) the contractor's policy of maintaining a drug-free workplace, (c) any available counseling, rehabilitation and employee assistance programs, and (d) penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by Government Code section 8355(c), that every employee who works on the proposed contract: (a) will receive a copy of the company's drug-free policy statement, and (b) will agree to abide by the terms of the company's statement as a condition of employment on the contract.

The person signing this contract on behalf of the contractor swears that he/she is authorized to legally bind the contractor to this certification and makes this certification under penalty of perjury under the laws of the State of California.

EXHIBIT A

Scope of Work

Argonne National Laboratory
9700 S. Cass Avenue
Argonne, Illinois 60439

PROPOSAL P-92008

LANDFILL GAS RESEARCH:

- A. Methane Balance Technique for Evaluation
of Landfill Gas Migration Control Systems
- B. Effect of Probe Design and Sampling Practices
on Observed Soil Gas Concentrations

Submitted to:

California Integrated Waste Management Board
Sacramento, California 95826

Principal Investigator: J. Bogner
Energy Systems Division

February 1992

1 INTRODUCTION AND PROJECT SUMMARY

This proposal was prepared at the request of the California Integrated Waste Management Board to address, via applied field research, two topics of interest: (a) the "Methane Balance Technique for Evaluation of Landfill Gas Migration Control Systems" and (b) the "Effect of Probe Design and Sampling Practices on Observed Soil Gas Concentrations." Argonne National Laboratory (ANL) retains intellectual property rights for the ideas expressed herein.

Both projects address aspects of landfill methane migration and stress improved techniques for better understanding dynamic landfill methane processes. The methane balance technique expands single-point monitoring techniques for evaluation of gas migration control systems into an integrated systems approach -- this is done by selective implementation of field, laboratory, and numerical analysis techniques to examine the partitioning of methane generated in a landfill into various pathways through which methane may be removed from the landfill. These pathways include lateral migration of methane in the subsurface; emission of methane to the atmosphere; methane capture by active gas control/recovery system; and oxidation of methane to carbon dioxide by indigenous microorganisms. The relative rates and importance of selected pathways pertaining to gas migration and emissions will be addressed in this study -- these pathways are of concern to the California Integrated Waste Management Board, which has responsibility for landfill gas regulation within the state of California to ensure public health and safety with respect to landfill gas control.

The second project, "Effect of Probe Design and Sampling Practices on Observed Soil Gas Concentrations," addresses quality control/quality assurance aspects of current landfill gas sampling practices. Three probe designs will be evaluated in triplicate installations using selected sampling protocols. All probes will be placed in a common area of uniform cover thickness to permit a side-by-side field test.

It is anticipated that the project work will be conducted at the Olinda Landfill, Orange County, California, in cooperation with Orange County Waste Management, Santa Ana, California. Under U.S. Department of Energy (DOE) funding, ANL has previously worked cooperatively with Orange County at the Olinda site and has a field trailer and some equipment at the site for support of this project. Orange County personnel have expressed verbal interest and have received all correspondence pertaining to the current proposed projects; however, detailed discussions on project details and a management decision must precede their formal involvement in the project. A major advantage of the Olinda site would be the ability to access previous data as background to this new work; in addition, ANL had a good working relationship with Orange County personnel. If necessary, ANL would consider working at an alternative site to be selected in cooperation with the California Integrated Waste Management Board.

Project work will be conducted by ANL staff. The principal investigator, J. Bogner, is a geologist who has been involved with DOE landfill gas studies at ANL since 1978; she has conducted field and laboratory studies in the area since 1983. Current projects, conducted for the National Renewable Energy Laboratory (NREL), Golden, Colorado, under a DOE Energy from Municipal Waste Program, include work on landfill methane emissions and leachate recirculation.

The major focus of the NREL work is increased commercial landfill methane recovery rather than limitation of off-site gas migration.

Assistance in two specialized areas will be provided by subcontractors. These areas are (1) numerical analysis of multiphase subsurface gas transport and (2) activity of methanotrophic bacteria in the subsurface.

The total budget for the proposed landfill gas research is \$170,000. Per previous discussions, it is assumed that gas chromatographic analysis for methane, carbon dioxide, oxygen, and nitrogen will be provided by contractors to the California Integrated Waste Management Board at no expense to ANL. Other alternatives for gas analysis are negotiable.

2 TECHNICAL PROPOSAL, TASK A: METHANE BALANCE TECHNIQUE FOR EVALUATION OF LANDFILL GAS MIGRATION CONTROL SYSTEMS

2.1 Background/Justification

Currently, gas migration control systems are evaluated on the basis of periodic gas sampling and analysis of perimeter probes. However, because residential and other development often encroaches close to landfill boundaries, single-point monitoring techniques need to be expanded to better evaluate the performance of active and passive migration control systems. This project will develop an alternative mass balance approach for examining migration control systems. This "Methane Balance" approach is roughly parallel to the use of a water balance for projection of leachate generation in landfill environments. A methane balance technique is attractive for several reasons:

1. The methane balance approach expands single-point monitoring techniques to an integrated systems approach.
2. This technique has flexibility depending on the quality of data for any given site.
3. The sophistication of the analysis can be varied depending on the potential for gas migration at any given site.
4. The methane balance method includes evaluation of surface emissions in addition to evaluation of subsurface methane migration.

A complete landfill methane balance can be defined as follows:

Methane generated = \sum (methane migrating laterally off-site + methane emitted to atmosphere + methane captured by control/recovery system + methane microbially oxidized to carbon dioxide + methane storage)

The focus of this two-year project is to develop field, laboratory, and numerical techniques to evaluate the two aspects of the landfill methane balance of most concern to the California Integrated Waste Management Board -- direct lateral migration of methane and microbial oxidation of methane. The magnitude of and controls on microbial methane oxidation at the landfill perimeter have never been evaluated; however, the conversion of methane to carbon dioxide by indigenous microorganisms may act as a partial natural control on methane migration and emissions. In addition, some emphasis will be placed on methane emissions at the top of the landfill; this would expand previous ANL work at Olinda, if chosen for this project. It would be highly desirable to establish work for both Task A and Task B at a single field site. In addition, via an integrated field project in California, there is an opportunity for cooperation with other ANL landfill work proposed to NREL; the NREL work would focus on the methane recovery portion of the landfill methane balance.

APR 13 ---

2.2 Statement of Work for Task A

There are two major goals for the first year of this two-year project: (1) develop numerical techniques for evaluation of the methane balance components of environmental concern (lateral migration, emissions, methane oxidation); and (2) instrument a field site, test instrumentation, and gather preliminary data in preparation for intensive data collection and analysis during the second year of this project. It is understood that, at present, funding for only the first year of this project is available. We need to work at a field site (Olinda or alternative) where we could instrument a well-controlled cell at the landfill boundary with final cover in place. Also, we would need access for equipment during the course of this study.

Field, laboratory, and numerical analysis components are included in this task. Numerical analysis will be PC-based, focusing on the development of simple, user-friendly codes to (1) model the methane balance itself (to be applied to specific field sites), and (2) model methane transport and oxidation processes subject to various boundary conditions as necessary inputs to the methane balance. The latter will require consideration of multicomponent gas mixtures of methane, oxygen, and carbon dioxide to permit description of methane oxidation processes.

The major focus of this task is a field experiment supported by selected laboratory analyses. Since the methane balance requires partitioning of the methane generated in a landfill into various pathways (migration, emissions, recovery, and oxidation), techniques will be selected to evaluate components of the methane balance and monitor their seasonal dynamics at the field site. Methane generation will be evaluated by laboratory incubation of actual landfill samples from the Olinda (or alternative) site using techniques described in Bogner (1990). Briefly, samples will be physically and chemically characterized and incubated *in vitro* (serum bottles) under controlled anaerobic conditions at ANL. Methane production will be monitored by quantifying the methane portion of the biogas produced using gas chromatography (GC). The dynamics of methane migration and emissions will be monitored using probe techniques supported by shallow subsurface pressure/temperature monitoring, soil moisture monitoring, monitoring of selected meteorological variables (air temperature, barometric pressure, and precipitation), and monitoring of gas concentrations (methane, oxygen, carbon dioxide, and nitrogen by GC). ANL has previously developed a PC-based system for continuous monitoring of soil gas pressures/temperatures, air temperature, barometric pressure, wind speed/direction, and precipitation; it is anticipated that this system will be "cloned" at relatively modest cost to permit a dedicated monitoring system for this project. Other techniques (tracer studies, chamber measurements of methane emissions, etc.) may be selected in consultation with the California Integrated Waste Management Board after a specific field site is selected. The detailed design of probe installations and description of monitoring protocols for this task must be referenced to a specific field site; these will be provided in the detailed project plan (one month after start-up). Methane oxidation will be evaluated in separate studies using techniques described in Mancinelli et al. (1981) and Mancinelli and McKay (1985). Briefly, these techniques consist of (1) enumeration of methane-oxidizing bacteria using field samples and (2) microcosm studies using field samples to examine rates of methane oxidation and evaluate the controls (moisture, gas concentrations, and other factors) that retard or accelerate methane oxidation.

2.3 Expected Results

First, this project will permit better understanding of major controls on methane migration through process-based studies that examine physical transport processes and microbiological oxidation of methane at a specific field site. The process-oriented studies will permit generalization of results beyond the specific site monitored for this project. Second, project results will permit testing of the methane balance approach for overall evaluation of methane fates within the landfill environment and its perimeter. Third, integrated field, laboratory, and numerical analysis techniques will be developed and evaluated for application of the methane balance approach at other sites in the state of California.

2.4 Schedule

	Months																								
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Start-Up			x																						
Detailed Program Plan				x																					
Completion of Methane Balance and Transport Models; Interim Report; Completion of Field Installation and Preliminary Monitoring				x	-----																				
Completion of Field Testing at Olinda; Draft Final Report and User's Guide														x	-----										
Final Report and User's Guide																									x

3 TECHNICAL PROPOSAL, TASK B: EFFECT OF PROBE DESIGN AND SAMPLING PRACTICES ON OBSERVED SOIL GAS CONCENTRATIONS

3.1 Background/Justification

At landfill sites, monitoring of lateral gas migration is based on observed methane concentrations in soil gas extracted from probes at the landfill perimeter. However, standard protocols for design and installation of probes, as well as for sampling soil gas, are lacking. Thus, differences in observed methane values may partly reflect the use of different procedures. Consequently, regulatory decisions may be based on methane values that are questionable and inconsistently measured. This project will address this serious lack of standardization through a controlled field experiment to examine methane concentrations in replicated probes of various designs that are sampled according to various protocols. The field experiment will include both dry and wet season sampling at the selected field site. As discussed previously, the field site may be the Olinda Landfill, Orange County, California, in cooperation with Orange County Waste Management. The bulk of the project work described below will be completed by ANL; a subcontractor will provide a one-dimensional, PC-based transport model for subsurface methane, carbon dioxide, and oxygen constrained by pressure, temperature, and observed gas concentrations.

3.2 Statement of Work for Task B

The three major goals for this project are to (1) examine methane values in replicated probes of three different designs placed at three different depths, (2) examine the effects of various purging/sampling protocols on the methane values obtained, and (3) develop a basic transport model to permit generalization of site monitoring data.

Three probe designs will be evaluated. It is anticipated that the three designs will include (1) a probe of 1.0-in. (OD) PVC (which resembles a typical perimeter probe in California), as shown in Fig. 1; (2) a composite probe of 0.125-in. stainless steel (SS) tubing inside 1.5-in. PVC (Fig. 2); and (3) 0.125-in. SS tubing alone. All probes will have appropriate gas-tight caps and fittings for obtaining samples. The final probe designs to be evaluated will be selected in consultation with the California Integrated Waste Management Board. At the Olinda site, two clusters of composite probes were installed by ANL in 1987. It is possible that some of these may still be intact, but their integrity is questionable for use in this project.

All probes will be installed in triplicate at three different depths on a part of the field site with uniform cover thickness. Where Z = cover thickness, probe depths will be Z (base of cover/top of refuse), $Z/2$, and $Z/4$. The total number of probes will be 27. It is anticipated that all probes will be placed in a common area on a portion of the landfill with final cover in place. Exact probe spacing and layout of probe clusters will be determined after selection of the experimental area. For uniformity across the experimental area, a site removed from the landfill perimeter is preferable; perimeter locations may be characterized by uneven depth of refuse or cover soils (with inconsistent gas concentrations) within a limited area. By choosing a more central landfill position

cover thickness, errors resulting from edge effects will be minimized and observed concentration differences will reflect differences in probe design and sampling procedures.

ANL personnel will make three visits to the field site (two persons per trip). The first visit will be to select the study area and supervise probe installation. Access tubing will also be installed for downhole soil moisture monitoring using a neutron probe. Soil samples will be taken during probe installation for gravimetric soil moisture determinations; these can be done locally or the samples can be sent back to ANL. It is ANL's understanding that a Giddings hydraulic rig owned by the California Integrated Waste Management Board will be used for probe installation. The rig will be operated by California Waste Management personnel. Some preliminary testing of gas concentrations in the various probes will also be completed during the first scheduled field visit. In addition to methane, all soil gas samples will be analyzed by gas chromatography for carbon dioxide, nitrogen, and oxygen by a contractor to the California Integrated Waste Management Board. Appropriate gas standards will be used by that contractor for calibration within the appropriate ranges for the various samples. It is anticipated that three full rounds of 27 samples will be analyzed in triplicate on the first visit. ANL will also do some field monitoring of methane and carbon dioxide concentrations (% range only) using infrared instrumentation.

The second and third field visits will be scheduled to correspond to wet and dry season conditions, respectively -- probably January/February and July/August. The field protocol for each of these visits will consist of four full rounds of samples for all the probes, with each sample being analyzed in triplicate. Each round of samples will include a uniform sample volume extracted from each probe following either a "purge" or "no purge" protocol.

3.3 Expected Results

Statistical analysis of results will permit evaluation of differences between probe designs and "purge" vs. "no purge" protocols. Results will provide guidance for recommending monitoring protocols and probe designs to the California Integrated Waste Management Board. The recommended designs and protocols would improve the uniformity among site monitoring results, permitting better comparison of both between-site and within-site variations.

3.4 Schedule

	Months												
	0	1	2	3	4	5	6	7	8	9	10	11	12
Start-Up	x												
Detailed Program Plan		x											
Probe Installation and Initial Monitoring				x									
Second and Third Field Visits with Scheduled Monitoring (Wet and Dry Season Sampling)					x	-----					x		
Draft Final Report												x	
Final Report													x

4 REFERENCES CITED

- Bogner, J., 1990, *Controlled Study of Landfill Biodegradation Rates Using Modified BMP Assays*, Waste Management & Research, 8:329-352.
- Mancinelli, R.L., et al., 1981, *Methanol-Oxidizing Bacteria Used as an Index of Soil Methane Content*, Applied Environmental Microbiology, 42:70-73.
- Mancinelli, R.L., and C.P. McKay, 1985, *Methane-Oxidizing Bacteria in Sanitary Landfills*, in Biotechnological Advances in Processing Municipal Wastes for Fuels and Chemicals, Proceedings of the First Symposium, held Aug. 15-17, 1984, Minneapolis, Minn., Argonne National Laboratory Report ANL/CNSV-TM-167.

5 BUDGET SUMMARY (YEAR 1)

Note: Budget for second year of Task A to be negotiated.

[Rates for (Federal) fiscal years 1992 to 1993 (10/1/91 - 9/30/93)]

Item	Task A (Person Month)	\$K	Task B (Person Month)	\$K
LABOR COST				
Scientific staff	(3.4)	22.06	(1.5)	9.74
Hourly	(0.6)	1.55	(0.6)	1.55
Hourly-temporary	(3.0)	5.20	(1.6)	2.80
Total direct labor costs				42.9
MATERIALS AND SERVICE (M&S)				
Supplies and services		12.10		8.00
Subcontracts		32.00		8.00
Equipment		10.00		-----
Total M&S				70.1
General and administrative				30.8
Effort-related overhead				26.2
Total federal rate				170.0
Full-cost recovery				208.6

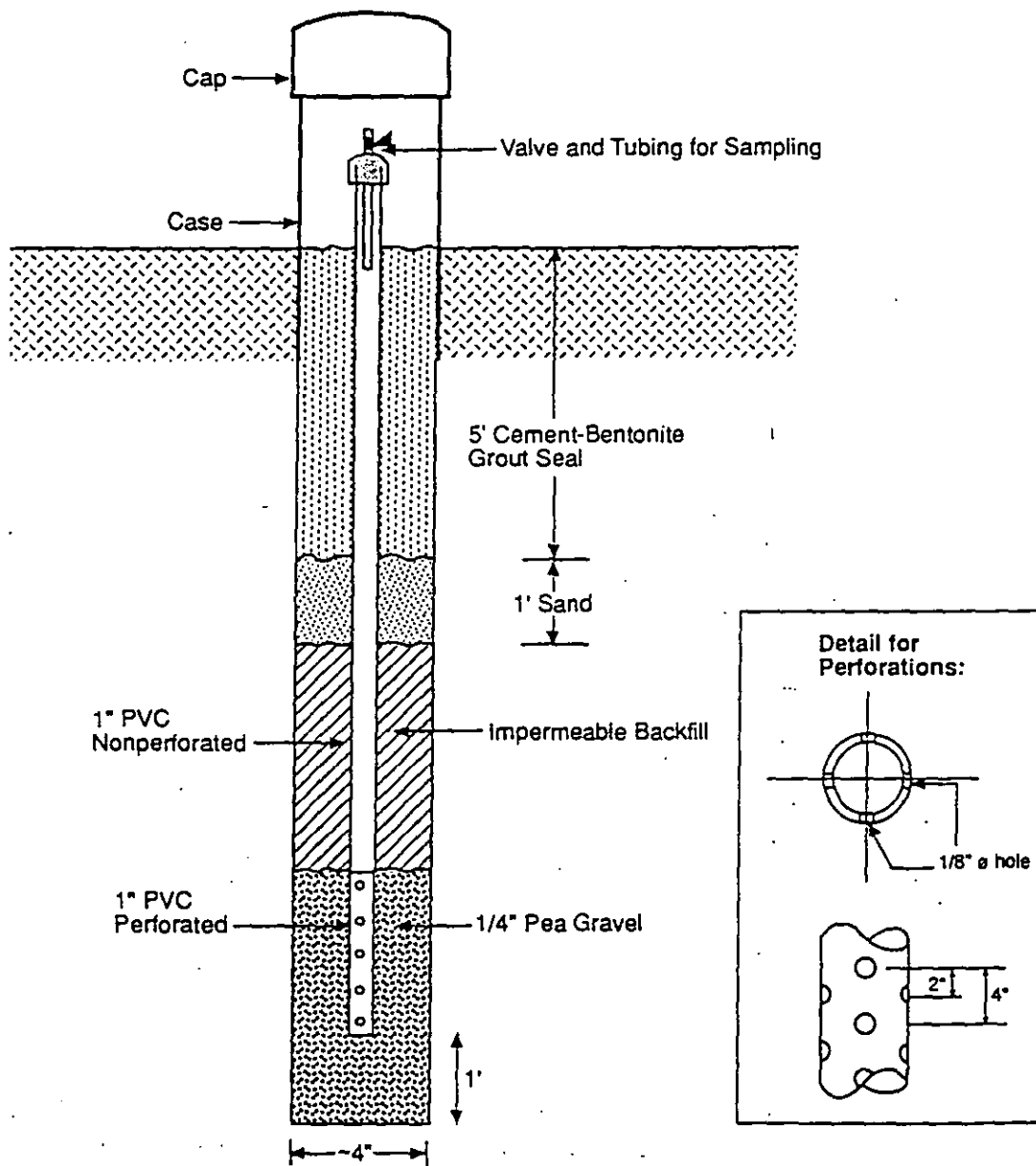


FIGURE 1 Typical Perimeter Probe Design

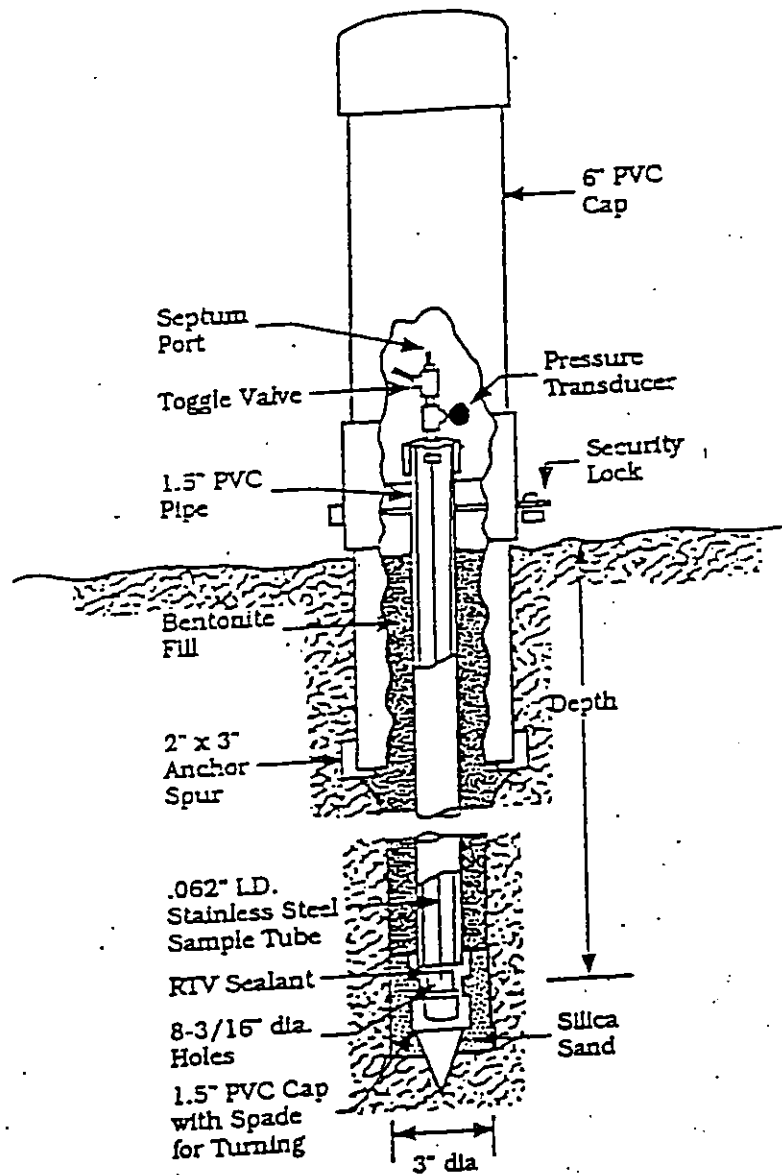


FIGURE 2 Composite Probe Design

Exhibit B

Budget

I. Costs for Task A. Methane Balance Technique for Evaluation of Landfill Gas Migration Control Systems.

<u>Item</u>	<u>Cost (\$K)</u>
1. Scientific Staff Labor	22.06
2. Hourly Labor	1.55
3. Hourly-temporary Labor	5.20
4. Supplies and Services	12.10
5. Subcontracts	32.00
6. Equipment	1 0 . 0 0

II. Costs for Task B. Effect of Probe Design and Sampling Practices on Observed Soil Gas Concentrations.

<u>Item</u>	<u>Cost (\$K)</u>
1. Scientific Staff Labor	9.74
2. Hourly Labor	1.55
3. Hourly-temporary Labor	2.80
4. Supplies and Services	8.00
5. Subcontracts	8.00
6. Equipment	0.00

III. General and administrative 33.80

IV. Effort related overhead 26.20

Total 173.00

The California Integrated Waste Management Board will provide for the following:

1. Drilling services for the soil gas probe installations as described in Task B, page 6, paragraph 4 of the Scope of Work.
2. Laboratory analysis of soil gas samples for methane, carbon dioxide, nitrogen, and oxygen as described in Task B, page 7, paragraphs 2 and 3 of the Scope of Work, with the proviso that the California Integrated Waste Management Board reserves the right to the final determination of the number of samples to be tested.

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EXHIBIT C

Instruction for Submittal of Invoice

The invoice must be submitted in triplicate with an original signature on at least one copy and supporting documentation (bids, receipts, cancelled checks, sole source justification, etc.) attached.

The invoice must be signed by the person who signed the contract or his/her designate. If there is a question as to the authority of the signer which cannot be resolved to the satisfaction of the State, the invoice will not be honored.

A proof of purchase receipt or cancelled check must be submitted for each item requested to be reimbursed. These items must contain sufficient information to establish that the specific purchase was made.

Only those items found in Exhibit B, Budget, are eligible for reimbursement. Travel expenses are allowed only if provided for in Exhibit B. The contractor will provide receipts for all lodging, food, travel-related incidental expenses and any air fare along with a statement regarding purpose of the trip. Actual lodging expenses, food and incidental expenses will be reimbursed at the amounts allowed for state employees performing similar duties.

Any changes to the items on Exhibit B must be approved by the Executive Director before an expenditure for that item. If the change is approved, a new invoice will be prepared and mailed to the contractor.

Payment requests may be submitted no more than once every thirty (30) calendar days. Mail payment request to the following address:

ATTN: Fiscal Office
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

The Contract Manager will review and approve all invoices before payment can be made. After all Board staff approvals, payment requests will be forwarded to the State Controller's Office for issuance of payment warrants.

If the contract calls for a withhold, ten percent (10%) will be deducted from every payment request and retained by the State until all the conditions stipulated in the contract have been satisfied.

It will be the responsibility of the contractor to pay all subcontractors for purchased goods and services.

The State will make payment to the contractor as promptly as fiscal procedures permit. If the contractor is a nonprofit organization and the contract value is less than \$500,000.00, or, if the contractor is a small business, payment is due 30 days from the date services are received and accepted by the State, or 30 days from the date a correct invoice is received in the office specified by the State, whichever is later. Payment is due to any other contractor 60 days from the date the services are received by the State, or 60 days from the date a correct invoice is received in the office specified by the State, whichever is later. When provision is made for a testing period preceding acceptance by the State, date of acceptance will mean the date services are accepted by the State during the specified testing period.

California Integrated Waste Management Board

Resolution 92-157

November 18, 1992

BE IT RESOLVED that the Board hereby amends the action taken at the April 29, 1992 Board meeting to award a contract to the Argonne National Laboratory for a Landfill Gas Research Study to reflect award of the contract to the County of Orange/Integrated Waste Management Department to accomplish the Landfill Gas Research Study. This amendment shall be effective as of the date of the Board's original action, April 29, 1992. The total amount of this contract will not exceed \$173,000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on November 18, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

November 18, 1992

AGENDA ITEM 4

ITEM: Discussion and Consideration of Adoption of Finding of Emergency and Approval of Emergency Used Oil Recycling Regulations (14 CCR Amending Section 18601, Definitions, and Adopting Section 18619.1 Through 18619.5 and Sections 18640 Through 18659.5) [Regulations Relate to Certification of Recycling Facilities and Collection Centers, Registration of Industrial Generators, Curbside Collection Programs and Electric Utilities, Local Government Grant Programs, the Incentive Fee Claim Process and the Auditing Process.]

COMMITTEE ACTION:

Board staff presented a first draft of the proposed emergency regulations to the Integrated Waste Management Planning Committee at its October, 1992 meeting. At their direction, the proposed emergency regulations have been amended to reflect a reduction in paperwork requirements. The amended regulations were presented to the Board's Planning Committee at its November 3, 1992 meeting.

BACKGROUND:

In 1991, the Legislature passed AB 2076, Sher (Stats. 1991, Ch. 817), the California Oil Recycling Enhancement Act (Act), now codified in Public Resources Code (PRC) Sections 48600 to 48691. The primary purpose of this law, which became effective on January 1, 1992, is to discourage the illegal disposal of used oil.

The Act requires oil manufacturers to pay \$0.04 to the Board for each quart of lubricating oil sold, beginning October 1, 1992. Beginning April 1, 1993, the public may return their used oil to certified used oil collection centers and receive the \$0.04 per quart recycling incentive. The recycling incentive will also be available to industrial generators, curbside collection programs, and electric utilities.

The Act authorizes the Board to certify used oil collection centers and recycling facilities, issue grants or loans to local governments and nonprofit entities, audit payments of the recycling incentive, and establish an enforcement program.

This agenda item discusses proposed emergency regulations for the certification of used oil collection centers and recycling facilities, the registration of industrial generators, curbside collection programs and electric utilities. In addition, the proposed regulations address: procedures for claiming recycling incentive payments; grants to local governments and nonprofit entities; an enforcement program; and, formulas for calculating used oil recycling rates.

On August 2 and August 13, 1992 staff conducted informal pre-regulations workshops to obtain input from members of the affected public prior to writing the regulations. Comments made during and after the workshops were considered during development of the proposed regulations.

ANALYSIS:

Staff is implementing the Used Oil Recycling Program established by the Act in several phases:

- Phase 1 - (Complete) Develop and adopt emergency regulations for the industry reporting aspects of the Act. The emergency regulations were approved by the Office of Administrative Law (OAL) on August 19 and filed with the Secretary of State on August 20, 1992.
- Phase 2 - (Current) Proceed with the adoption of non-emergency industry reporting regulations. Develop non-emergency and emergency regulations for the certification of used oil collection centers and used oil recycling facilities.
- Phase 3 - (Begin in January 1993) Begin certifying used oil collection facilities and used oil recycling facilities.
- Phase 4 - (Begin in April 1993) Disburse recycling incentives to used oil collection centers, industrial generators, curbside collection programs, and electric utilities for used oil they recycle.

Proposed Emergency Regulations

Title 14, Chapter 8 of the California Code of Regulations includes the industry reporting regulations for the used oil recycling program. The proposed regulations will also be incorporated into Chapter 8.

- **Article 1 - General Provisions and Definitions**

Article 1 has already been established as a part of the emergency regulations recently approved by the Office of Administrative Law. This Article will be amended to incorporate additional definitions.

■ **Article 2.1 - Recordkeeping, Auditing and Administrative Actions**

This article addresses general recordkeeping requirements for the examination and audit of the records of used oil collection centers, industrial generators, curbside collection programs, and electric utilities. This article also describes provisions for the protection of proprietary information.

■ **Article 5.0 - Used Oil Recycling Facilities**

Article 5.0 currently contains reporting requirements for used oil recycling facilities. The proposed regulations describe certification procedures for used oil recycling facilities. PRC Section 48662 requires the Board to certify and recertify any used oil recycling facility for which the Board has received a report from the Department of Toxic Substances Control.

■ **Article 6.0 - Used Oil Collection Center Certification and Operation Standards**

PRC Section 48660 requires the certification of used oil collection centers prior to payment of recycling incentives and specifies certain certification requirements. This article specifies the form, content, and processing of the applications for certification. This article also prescribes certain operating procedures for used oil collection centers.

PRC Section 48650.5(a) allows collection centers to apply to the Board for reimbursement of the cost to dispose of one contaminated load of used oil per year. This article specifies how and when to apply for this reimbursement.

■ **Article 6.1 - Registration Requirements for Industrial Generators, Curbside Collection Programs, and Electric Utilities**

PRC Section 48651(a) and (b) requires the Board to pay a recycling incentive to industrial generators, curbside collection centers, and electric utilities for used oil they recycle. This Article specifies how these operations can register to receive payment of the recycling incentive.

■ **Article 6.2 - Formulas for Calculating Used Oil Recycling Rates**

PRC Section 48676 requires the Board to report recycling rates for used lubricating and industrial oils. This article specifies the formula to be used when calculating the recycling rates for used lubricating oils, used industrial oils, and a combination of used lubricating and industrial oils.

■ **Article 7 - Recycling Incentive Payments**

PRC Section 48670 specifies procedures for claiming recycling incentive payments. This article specifies the claim process.

■ **Article 8.0 - General Provisions for Grants**

PRC Sections 48653(4), 48690 and 48691 require the Board to issue block grants to local governments. This article specifies program eligibility.

■ **Article 8.1 - Local Government Block Grants**

This article specifies the formula for calculating grant amounts, the terms and conditions of the grant agreement, and the form, content, and processing of the grant applications.

Finding of Emergency and Additional Requirements

The Board must make a Finding of Emergency to promulgate "Emergency Regulations". The Finding of Emergency (Attachment 2) will be incorporated as part of the rulemaking file at the Board's direction.

STAFF COMMENTS:

The Act requires the Board to begin payment of recycling incentives to certified collection centers, industrial generators, curbside collection programs, and electric utilities on April 1, 1993. Consequently, the proposed regulations, which specify the certification and registration process, must be in place in time to allow the processing of applications prior to the April 1, 1993 deadline. The approval of emergency regulations will allow the timely processing of these applications. Staff recommends that the Board discuss the proposed emergency regulations and the Finding of Emergency and approve their submittal to the Office of Administrative Law for review and approval.

ATTACHMENTS:

1. Proposed Emergency Regulations
2. Proposed Finding of Emergency
3. Resolution

Prepared by: Christy Porter Phone 255-2362

Reviewed by: Tom Rietz Phone 255-2384

Legal review: mem Date/Time 1/14/93 - 1:15pm

PROPOSED REGULATIONS

(Amendments to Title 14, Division 7, Chapter 8)

Title 14. Natural Resources

Division 7. California Integrated Waste Management Board

Chapter 8. Used Oil Recycling Program

Article 1	General Provisions and Definitions
Article 2.1	Recordkeeping, Auditing and Administrative Actions for Entities Claiming Recycling Incentives
Article 5	Used Oil Recycling Facilities
Article 6	Used Oil Collection Center Certification and Operation Standards
Article 6.1	Registration Requirements for Industrial Generators, Curbside Collection Programs, and Electric Utilities
Article 6.2	Formulas for Calculating Used Oil Recycling Rates
Article 7	Recycling Incentive Payments
Article 8	General Provisions for Used Oil Recycling Grants
Article 8.1	Local Government Block Grants
Application Cover Sheet - Used Oil Recycling Block Grant	

Article 1. General Provisions and Definitions

18601 Definitions

(a) In addition to the definitions provided in the Public Resources Code, the following definitions shall apply whenever the terms are used in this Chapter.

(2) "Annual report" means a report that is submitted to the Board by each grant recipient beginning on the first January 1 after receiving a block grant and on or before January 1 thereafter for the term of the grant agreement, and as defined in Section 48674 of the Public Resources Code.

(3) "Applicant" means the local agency applying for a block grant.

(4) "Block grant" means an award of funds from the California Used Oil Recycling Fund to a local agency which is based on the evaluation of an applicant's used oil collection program submitted pursuant to Section 48690 of the Public Resources Code.

(5) "Block grant account" means monies available for block grants to local governments as described in Section 48653(a)(4) of the Public Resources Code.

(7) "Curbside collection program" means a service sponsored by a local agency which collects used oil, and may collect other recyclable material, including but not limited to newspaper, glass containers, aluminum cans, and bi-metals.

(8) "Department" means the Department of Toxic Substances Control.

(10) "Fiscal Year" means the year commencing on July 1 and ending on June 30 of each year.

(13) "Grant Agreement" means the written document, and any amendment(s) and written change orders thereto, which is signed by the Board or by its designated representative and the grant recipient, which defines the terms, provisions and conditions governing a block grant.

(14) "Grant Recipient" means the local agency which receives a block grant from the Board.

(15) "Grant Year" means the time period in which the grant application submittal, evaluation, selection, and award distribution will occur. The time period will begin on the first day of May in one year and end on April 30 of the next calendar year.

(16) "Incentive claim/report" means the formal request for payment of incentive fees on used lubricating oil either used to generate electricity by an electric utility, or transported by a used oil hauler to a certified used oil recycling facility or to an out-of-state facility registered with the U.S. EPA and in compliance with the regulations of the state in which the facility is located. The incentive claim/report is designed to satisfy the report requirements described in Public Resources Code Section 48670.

(19) "Local agency" means a public entity which is a city, county, or district, or any political subdivision but not the State.

(26) "Patron" means the person or entity delivering used oil to a certified collection center for storage and transportation to a recycling facility.

(25) "Recycling Incentive" means the amount the Board pays for each quart of lubricating oil recycled, to every industrial generator, curbside collection program, certified used oil collection center, or electric utility pursuant to Sections 48651(a) and (b) of the Public Resources Code.

(29) "Regional" means any geographic area which includes two or more local agencies.

(30) "Used oil collection program" means a program undertaken by a local agency to encourage the collection, recycling, and proper disposal of used oil generated at households. A used oil collection program includes but is not limited to, integration of used oil collection into an existing curbside collection program, household hazardous waste program, and a public education and awareness program to promote opportunities for, and to educate the public as to the benefits from, the recycling of used oil.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: 48651, 48660, 48670, 48674, 48690, and 48691, Public Resources Code.

**Article 2.1 Recordkeeping, Auditing, and Administrative Actions
for Entities Claiming Recycling Incentives**

18619.1 Scope and applicability.

The regulations contained in this Article set forth recordkeeping requirements with which certified used oil collection centers, industrial generators, curbside collection programs, and electric utilities wishing to claim recycling incentives must comply.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48631(d), 48660, 48670, and 48680, Public Resources Code.

18619.2 Will the Board examine my books, records, and operations to determine whether I am in compliance with the program requirements?

(a) Yes. An operator of a certified or registered program shall provide access to the Board or persons authorized by the Board for any one or all of the following purposes:

(1) To determine compliance with the provisions of the Act and this Chapter;

(2) To determine the accuracy of any information provided to the Board;

(3) For the investigation of complaints related to compliance with the provisions of the Act and this Chapter; or

(4) To inspect any records required by the Act or this Chapter.

(b) An applicant for certification or registration shall provide access to the Board or persons authorized by the Board for the purposes listed in subparts (a)(1), (a)(2), and (a)(4) of this Section.

(c) Failure to provide access, as required, may result in one or more of the following:

(1) Denial of a pending application;

(2) Cancellation of a certification, or denial of a recertification request;

(3) Legal actions pursuant to Public Resources Code Section 48680;

(4) Recoupment of monies previously paid by the Board, which were the subject of the inspection; or

(5) Rejection of incentive claims made to the Board.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48631(d), 48660, 48670, and 48680, Public Resources Code.

18619.3 How must records be maintained to satisfy the requirements of this Chapter?

(a) Any records which you are required to maintain pursuant to this Chapter or the Act must be kept in accordance with the following provisions:

(1) You must give the Board notice of the location of your records on or before April 1, 1993, or upon certification or registration pursuant to Articles 6 and 6.1 of this Chapter, respectively. "Notice" of any change in location, or intent to establish a new location of such records, must be provided no less than ten (10) days prior to any change in location or establishment of a new location. "Notice" shall mean a written notice stating the name of the business entity, the complete present and potential future addresses of the location of the records, if applicable, and the names and telephone numbers of the individual(s) responsible for such records.

(2) Records must be retained for at least three years.

(3) All records maintained pursuant to this Chapter must include the books of account that are ordinarily maintained by the average prudent businessperson engaged in the same activity, together with all bills, receipts, invoices, manifests, cash register tapes, or other documents of original entry supporting the entries in the books of account. If records are maintained in an Automatic Data Processing (ADP) system, it must have built into its program a method of producing visible and legible records which will provide the necessary information to determine compliance with the requirements of this Chapter.

(4) All records maintained pursuant to this Chapter shall be suitable for examination. Records satisfy this standard when they are prepared and retained in accordance with generally accepted accounting principles and good business practice.

Note: Authority cited: Sections 40502 and 48651, Public Resources Code. Reference: Sections 48631 (d), 48660, 48670, and 48680, Public Resources Code.

18619.4 Are the reports and information that I submit to the Board public documents?

(a) All information obtained by the Board, or persons authorized by the Board, may be disclosed to the public upon request, unless the information is exempt from disclosure pursuant to the Act, the Public Records Act (Government Code Section 2650 et. seq.), or another applicable law. Information exempt from public disclosure may include, but is not limited to: proprietary information concerning specific sales or purchases of new or used lubricating or industrial oil; market reports; personal financial data; and trade secrets, as defined in the Public Resource Code, which the reporter has requested not be publicly disclosed.

(b) If you believe that any information submitted to the Board is a trade secret, you must identify this information at the time of submission. Any information not identified by you as a trade secret shall be made available to the public, unless exempted from disclosure by another provision of law.

(c) Regarding trade secrets, the Board shall determine whether any or all of the information has been properly identified as a trade secret.

(d) Upon receipt of a written request for records pertaining to information obtained by the Board pursuant to this Chapter, the Board shall determine whether the requested information is exempt from disclosure.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48675, Public Resources Code.

18619.5 What happens if my certified or registered used oil collection program is not in compliance with the requirements of the Act or of this Chapter?

Violations of the Act or of any regulation contained in this Chapter may be subject to the provisions of Section 48680 of the Public Resources Code.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48631(d), 48660, and 48680, Public Resources Code.

Article 5. Used Oil Recycling Facilities

18640 Scope and Applicability

In addition to the general requirements of Article 2 of this Chapter, used oil recycling facilities, as defined in Section 48624 of the Public Resources Code, shall comply with the provisions of this Article.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48624, 48662, and 48673, Public Resources Code.

18643.0 Who may become a certified used oil recycling facility?

The Board shall consider certifying any used oil recycling facility in California, as defined in Section 48624 of the Public Resources Code.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48624 and 48662, Public Resources Code.

18643.1 Why should I become a certified used oil recycling facility?

It is necessary for used oil recycling facilities to become certified because recycling incentives can only be paid to certified used oil collection centers, industrial generators, or curbside collection programs that transport used oil to certified used oil recycling facilities or to an out of state recycling facility as described in Section 48651 of the Public Resources Code. Industrial oil must also be hauled to certified used oil recycling facilities.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651, Public Resources Code.

18643.2 As an operator of a used oil recycling facility, must I apply for certification/recertification of the facility?

No. Once the Board receives a report from the Department following the annual inspection of your facility, the Board initiates the certification/recertification process for your facility.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

18643.3 How does the Board certify or recertify a used oil recycling facility?

(a) Following the annual inspection of a used oil recycling facility pursuant to Section 48661 of the Public Resources Code, the Department forwards an inspection report of the facility to the Board.

(b) Within a minimum of six (6) working days, a median of eight (8) working days, and a maximum of ten (10) working days of receipt of an inspection report for a used oil recycling facility, the Board notifies the operator of the facility in writing that its certification/recertification is being processed.

(c) Within a minimum of twenty-five (25) working days, a median of thirty-five (35) working days, and a maximum of forty-five (45) working days of receipt of the above described inspection report, the Board notifies the operator of the facility in writing that its certification is either:

(1) Approved; or

(2) Denied, and the reasons for denial.

(d) If a certification is approved, the Board sends a certificate to the operator of the facility.

(e) In case of denial, the operator of the facility may request a hearing.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

18643.4 As an operator of a used oil recycling facility, what should I do with the certificate that the Board issues to me?

(a) The certificate shall be kept on file at the used oil recycling facility. An operator may request that the certificate be kept on file at another location, and the Board may grant approval of such request when the request is submitted in writing and the following conditions are met:

(1) A copy of the certificate with a statement indicating where the original certificate is maintained is kept at the recycling facility; and

(2) The original certificate is maintained at the main business office of the operator where records and reports meeting the requirements of Article 5 of these regulations are maintained.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

18643.5 How long is a certificate valid?

(a) A certificate is valid until such time that it is surrendered by the operator, or recertification is denied pursuant to Section 18643.3 of this Article.

(b) A certificate does not expire, and the operator of a used oil recycling facility is not required to submit an application for recertification. Upon receipt of the annual inspection report from the Department, the Board automatically initiates the certification/recertification process for a facility. However, upon evaluating the annual inspection report, the Board may either certify/recertify a used oil recycling facility or deny its certification/recertification pursuant to Section 18643.3 of this Article.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

18643.6 Is the certificate transferrable?

No. The certificate is neither transferrable nor assignable to any other person. It is issued to a specific operator of a used oil recycling facility for a specific location. The operator of a used oil recycling facility must notify the Board in writing of any change in the operator, location of the facility, or cessation of facility operation. The notification shall be submitted to the Board within sixty (60) calendar days of the change occurring.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

18643.7 Is there a list of certified used oil recycling facilities available?

(a) Yes. The Board maintains a current list of certified used oil recycling facilities. The list is available to the public upon request.

(b) The Board also maintains a current list of used oil recycling facilities whose certifications were denied by the Board. This list is also available to the public upon request.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48662, Public Resources Code.

Article 6.0 Used Oil Collection Center Certification and Operation Standards

18650.0 Scope and Applicability.

Any person wishing to become a certified used oil collection center, pursuant to Section 48660 of the Public Resources Code, must comply with the provisions of this Article.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.1 Who may apply for certification?

Any operator or proposed operator of a used oil collection center is eligible to apply for certification from the Board.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.2 How do I apply for certification?

(a) A separate, complete application containing the information requested in Section 18650.3, below, for each used oil collection center must be submitted to the Board when requesting certification.

(b) The filing period for applications is continuous.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.3 What information am I required to provide in the application for certification?

(a) To be considered complete, applications shall contain the following information:

(1) A request for either initial certification, or recertification.

(A) If the application is for recertification, it shall include only that information which has changed since the last application for certification was submitted to the Board.

(2) The name, street and mailing address, and phone number (if applicable) of the used oil collection center, and, if different, of the operator.

(3) The type of organization which the operator represents.

(A) If the organization is an individual business doing or proposing to do business under a different name, the applicant shall provide a copy of the fictitious business name statement.

(B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement.

(C) If the organization is a corporation, the applicant shall provide the corporate number and Articles of Incorporation as filed with the Secretary of State, the name and position of all current corporate officers, and the agent for service of process. If a corporation applies for certification of more than one used oil collection center, it may submit a copy of the Articles of Incorporation with the first application submitted and reference said application in all subsequent certification application submittals.

(1) If the operation is a for-profit corporation from a state other than California, a copy of the approved certificate from the California Secretary of State qualifying and authorizing the corporation to transact business in California shall be submitted.

(D) If the organization is a husband and wife co-ownership, the application shall contain both names.

(E) If the organization is a local government agency, the applicant shall provide a copy of the authorizing resolution from the governing board.

(F) If the operation is a private, nonprofit program, the applicant shall provide verification of nonprofit status. A copy of the following will constitute verification:

(i) Letter from the Federal Internal Revenue Service confirming tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code; and

(ii) Letter from the State of California Franchise Tax Board confirming tax exempt status pursuant to

Section 23701(d) of the Revenue and Taxation Code;
and

(iii) Articles of Incorporation filed with the
Secretary of State.

(4) The federal identification number (employer ID number) of
the organization.

(5) A description of the physical location of the facility in
relation to the nearest cross street.

(6) A site location map showing the general location of the
collection center. Such maps shall show points of access to
the site.

(7) The name, street and mailing address, and phone number of
the owner or leaseholder, if applicable, of the facility
premises.

(A) If the applicant owns the property, a copy of the
deed, a current mortgage statement or a current tax bill
which specifically identifies the operator name and the
facility location.

(B) If applicant is leasing, renting, or operating on
donated space, a signed copy of a lease, rental agreement
or written permission from the property owner or
leaseholder who has authority to determine use of the
specific property shall be provided.

(8) Verification that the applicant has applied to the
applicable local government agency(ies) to obtain all required
permits for land use and all required operating approvals for
the specific facility location; including, where applicable:

(A) A copy of the application(s) filed with the local
agency(ies); or

(B) A written statement from the local agency(ies)
containing:

(i) the date an application was filed or a
statement that all required permits and approvals
have been obtained; and

(ii) the signature, printed name, title, and phone
number of the person providing the statement; or

(C) A copy of all local permit(s).

(9) If it is a proposed operation, the date the center intends to begin accepting used oil from the public.

(10) If it is an existing facility, the date the center began accepting used oil from the public.

(11) The actual days and hours the used oil collection center is, or will be, open for business.

(12) If applicable, the hazardous waste generator identification number assigned by either the Department of Toxic Substances Control or the U.S. EPA.

(13) Description of operations conducted at the collection center, if any, in addition to the collection of used oil from the public. Description of other materials collected for disposal and/or recycling at the facility.

(14) Anticipated or actual used oil storage vessel capacity, in gallons.

(15) If the application is for initial certification, a description of the type and frequency of advertising which will be conducted to comply with Section 18651.4 of this Chapter.

(16) If the application is for recertification, a description of the method and frequency of each type of advertising conducted (since the previous application for certification was submitted) to comply with Section 48660(b)(4) of the Public Resources Code and Section 18651.4 of this Chapter. Whenever possible, an example or facsimile of each advertising event should be included.

(17) Any other information the Board determines is necessary to aid in a finding of compliance with Public Resources Code Section 48660(b).

(b) The application shall be signed by the applicant(s) as described below, under penalty of perjury. The signature block shall contain an affidavit stating the following: "I certify under penalty of perjury that the information contained in this application is true and correct to the best of my knowledge and I agree to operate in compliance with the requirements of the California Oil Recycling Enhancement Act, and with all related regulatory provisions."

(1) If the operator is a partnership, the application shall be signed by each partner.

(2) If the operator is a firm, association, corporation, county, city, public agency or other governmental entity, the

application shall be signed by the chief executive officer or the individual with authority to legally bind the entity to a contract.

(3) If the operator is a husband and wife co-ownership, the application shall be signed by both the husband and wife.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.4 How does the Board process an application for certification of a used oil collection center?

(a) The Board issues an identification number to all used oil collection centers upon receipt of an application for certification.

(b) All applications for certification are reviewed by the Board for compliance with these regulations and with the Act.

(c) The Board will periodically conduct field investigations to verify the ongoing accuracy of information contained in a certification application.

(d) The Board will notify an applicant in writing within a minimum of six (6), a median of 8, and a maximum of ten (10) working days of receipt of the application that it is either:

(1) Complete and correct and accepted for further review; or

(2) Incomplete and rejected and the reason(s) for rejection.

(e) Upon determining that an application is complete and correct, the Board shall notify the applicant in writing within a minimum of twenty-five (25), a median of thirty-five (35), and a maximum of forty-five (45) calendar days that certification is either:

(1) Granted; or

(2) Denied and the reason(s) for denial.

(f) If the Board grants certification, the applicant shall receive written notice, a certificate, and a certification sign.

(g) If the Board denies certification of a used oil collection center, and the applicant wishes a hearing on such denial, a request for hearing must be made to the Board in writing.

(h) Reasons for denial of certification may include, but are not limited to:

(1) Failure to provide information or documentation to substantiate the application as stipulated in Section 18650.3 of this Chapter;

(2) For recertification:

(A) The applicant's certification history demonstrates a pattern of operation in conflict with the requirements of the Act, including any relevant regulations;

(B) The applicant's certification history demonstrates outstanding fines, penalties, or unresolved audit findings.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.5 May a person withdraw an application for certification?

Yes. An applicant may withdraw an application from review by the Board. Such withdrawal shall be requested in writing and submitted to the Board. A withdrawal of application does not prohibit the operator of a used oil collection center from reapplying at a later date.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.6 As the operator of a certified used oil collection center, might there ever be an occasion when I will need to submit a new application?

(a) Yes. An operator shall be required to file a new application with the Board in accordance with the requirements of this Chapter when any of the following conditions occur:

(1) A change in the location or closure of the certified used oil collection center; or

(2) A change in the operator of the certified used oil collection center; or

(3) Expiration of the certificate pursuant to Section 18650.8 of this Article.

(b) Because a certificate is not transferrable (see Section 18650.9 of this Article), an application for initial certification must be submitted whenever there is a change in the location or operator of a certified used oil collection center.

(C) An application for initial certification or recertification shall be submitted at least sixty (60) calendar days prior to any of the events listed in (a) above to avoid any lapse in incentive payments.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.7 What should I do with the certificate once I have received it?

(a) The certificate shall be kept on file at the used oil collection center. An operator may request that the certificate be kept on file at another location, and the Board may grant approval of such request when the request is submitted in writing and the following conditions are met:

(1) A copy of the certificate with a statement indicating where the original certificate is maintained is kept at the used oil collection center; and

(2) The original certificate is maintained at the main business office of the operator where records and reports meeting the requirements of this Chapter are maintained.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.8 When does my certificate expire?

A certificate shall be valid for two (2) years from the date certification is approved by the Board, or until such time as it is voluntarily surrendered by the operator, denied pursuant to Section 18650.4 of this Chapter, or canceled by the Board pursuant to Section 48660(a) of the Public Resources Code.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18650.9 Is a certificate transferrable or assignable?

No. The certificate is issued to a specific used oil collection center operator for a specific location and is neither transferrable nor assignable to any other person.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18651.0 What must I do with a certification sign once I have received it?

(a) Commencing April 1, 1993, all certified used oil collection centers shall display a certification sign provided by the Board. The sign shall be in compliance with Public Resources Code Section 48660(b)(4) and will also include the following information:

(1) State of California Certified;

(2) 5 gallon per container/20 gallon per person per day limit;

(3) Contaminated oil, or oil suspected of contamination, may not be accepted;

(4) Space for insertion, by operator, of the center operating hours and the name and address of the nearest business or governmental entity which accepts contaminated lubricating oil.

(b) The certification sign must be posted in a location easily readable from a public street. The sign may be posted in a different location if requested in writing and approved in writing by the Board.

(c) The certification sign shall not be displayed by any person, company, or other entity not approved for certification by the Board.

(d) The certification sign is the property of the Board and shall be returned to the Board upon surrender, expiration, or cancellation of certification.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18651.1 What if local zoning ordinances prevent posting of the sign provided by the Board?

Where local zoning ordinances do not permit posting of the sign provided by the Board in accordance with Section 18651.0 of this Article, and Section 48660(b)(4) of the Public Resources Code, the collection center operator must petition the Board by submitting a written request describing how the center will meet these requirements. The Board shall notify the center in writing within thirty (30) calendar days of receipt of the petition that its request is either:

(1) Approved; or

(2) Denied and the reasons for denial.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18651.2 What are the required operational procedures for certified used oil collection centers?

(a) Certified used oil collection center operators shall operate in accordance with the laws governing the handling and disposal of used oil (Chapter 6.5, Division 20, Health and Safety Code, and Title 40 of the Code of Federal Regulations, Part 279).

(b) Certified used oil collection centers shall accept used oil from the public at no charge and shall offer to pay any person an amount equal to the recycling incentive the center will receive for the used oil.

(c) Certified used oil collection center operators shall not accept more than twenty (20) gallons of used oil, in containers not larger than five (5) gallons, from a person each day.

(d) Used oil received from the public may be refused if it is contaminated by materials which render the used oil infeasible for recycling.

(e) If the collection center accepts used industrial oil in addition to used lubricating oil, it shall maintain a Used Industrial Oil Receipt Log (Log). The Log shall include:

- (1) Date used industrial oil received;
- (2) Quantity of used industrial oil received, in gallons or quarts;

(f) Logs must be available for inspection at the collection center, or other location specified in accordance with Section 18650.7 of this Article, during normal business hours. Logs must contain data for the last three-year period.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660(b), 48660(c), 48660(d), 48670, Public Resources Code.

18651.3 How do I calculate the amount of recycling incentive I owe to a person delivering used oil?

(a) To calculate the payment, multiply the total number of quarts received by the value of the recycling incentive set by the Board.

Payment to the patron must be based on a determination of the nearest quart.

(b) A certified used oil collection center shall have available at all times a graduated container capable of accurately measuring, in one quart increments, and safely transferring, five liquid gallons. The graduated container shall be used for measurement if the amount of oil brought in by the public is in question by either the patron or the collection center staff.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660(b)(2), Public Resources Code.

18651.4 As the operator of a certified used oil collection center, how do I comply with the Act's requirement for periodic advertising in local media?

(a) Advertising using one or more of the following mechanisms at least once every six months shall constitute compliance with the requirements of the Act:

- (1) Newspaper, magazine, newsletter or other periodic publication;
- (2) Radio;
- (3) Press releases, public service announcements, or feature news;
- (4) Printed material including brochures or posters;
- (5) Outdoor advertising including billboards and transit signs;
- (6) Special events;
- (7) Television;
- (8) Direct mail;
- (9) Yellow pages.

(b) An advertisement shall include the name, location, and hours of operation of the certified used oil collection center and indicate that the center accepts used lubricating oil at no charge, and offers payment of the recycling incentive.

(c) Certified used oil collection centers may advertise cooperatively. Two or more collection centers may combine their resources and advertise their centers jointly, provided the name, location, and hours of operation of each center is identified, and the form and frequency of advertisement complies with part (a) of this Section.

(d) Should a collection center wish to implement an advertising program different from that described in part (a) of this Section, the center shall petition the Board for approval by submitting a

written request describing how the center will meet the advertising requirement of the Act. The Board shall notify the center in writing within a minimum of ten (10), a median of (20), and a maximum of thirty (30) calendar days of receipt of the petition that its request is either:

(1) Approved; or

(2) Denied and the reasons for denial.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

18651.5 As a certified used oil collection center, how can I determine if used oil is contaminated in excess of that which would occur through normal use?

In order to determine contamination in excess of that which would occur through normal use, a certified used oil collection center may test used oil received from the public for halogenated compounds, and may conduct verbal and/or visual screening.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660(c), 48660.5(a), 48660.5(b)(1), Public Resources Code.

18651.6 Under what conditions will a contaminated used oil shipment be eligible for reimbursement of disposal costs, pursuant to Section 48660.5 of the Public Resources Code?

(a) A shipment meeting both of the following conditions will qualify for reimbursement:

(1) Used oil which meets the criteria of Public Resources Code Section 48660.5; and,

(2) Used oil which has been properly disposed of and issued a receipt of disposal. A Uniform Hazardous Waste Manifest may be used for this purpose. Disposal, for the purpose of this Section, means incinerating, burying, or otherwise processing contaminated used oil for purposes of elimination which result in a higher cost than the cost to recycle non-contaminated used oil.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660.5(a), 48660(c), Public Resources Code.

18651.7 What constitutes one shipment in regards to reimbursement of disposal costs, pursuant to Section 48660.5 of the Public Resources Code?

A shipment may not exceed the capacity of the storage tank normally used by the certified used oil collection center to contain used lubricating oil received from the public.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660.5(c), Public Resources Code.

18651.8 How do I apply for reimbursement of additional disposal costs pursuant to Public Resources Code Section 48660.5?

(a) An application must include:

(1) The collection center name, its location, and its Board identification number;

(2) The hazardous waste generator identification number (ID Number) assigned by either the California Department of Toxic Substances Control or the U.S. EPA;

(3) Quantity of shipment for which reimbursement is sought, in gallons;

(4) Source, type, and level of contamination (if known);

(5) Registered hazardous waste hauler (pursuant to Article 6.5, Chapter 6.5, Division 20, Health and Safety Code) name, ID Number, and actual total disposal cost;

(6) A statement signed by the applicant(s) as described below, under penalty of perjury. The signature block shall contain an affidavit stating the following: "I certify under penalty of perjury that the information contained in this application is true and correct to the best of my knowledge.";

(7) Signature of collection center supervisor.

(b) Applicant must also submit:

(1) A copy of invoice or receipt from a used oil hauler indicating:

(A) The Uniform Hazardous Waste Manifest number for the shipment;

(B) Amount of actual total disposal cost minus the amount normally charged to pick-up the same amount of uncontaminated oil;

(2) Copy of the Uniform Hazardous Waste Manifest from the used oil hauler;

(3) Copy of established certified used oil collection center procedures for preventing contamination of oil with hazardous waste.

(C) In any calendar year, a certified used oil collection center shall be reimbursed for not more than one shipment of contaminated used oil and for not more than five thousand dollars (\$5,000) in disposal costs, subject to the availability of funds pursuant to Public Resources Code Section 48656.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660.5, Public Resources Code.

18651.9 Must certified used oil collection centers maintain written procedures to prevent the acceptance of contaminated used lubricating oil?

(a) Yes. Established procedures for preventing the acceptance of contaminated used lubricating oil must be in writing and available to Board staff, collection center personnel, and the public during normal business hours.

(b) Procedures may include:

- (1) Posted signs which list unacceptable contaminants;
- (2) A list of questions to ask patrons regarding contaminants;
- (3) A description of tests of used oil for the presence of contaminants.

(A) Olfactory testing ("nose test") should not be utilized as a test method.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, 48660.5, Public Resources Code.

Article 6.1 Registration Requirements for Industrial Generators, Operators of Curbside Collection Programs, and Electric Utilities

18653.0 Scope and Applicability.

In addition to the general requirements of this Chapter, industrial generators, operators of curbside collection programs, and electric utilities wishing to claim the used oil recycling incentive must comply with the provisions of this Article.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651, Public Resources Code.

18653.1 Purpose.

The Board requires registration of all industrial generators, operators of curbside collection programs, and electric utilities to facilitate the payment of recycling incentives.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651, Public Resources Code.

18653.2 As an industrial generator, operator of curbside collection program, or electric utility, how do I register to receive payment of recycling incentives?

(a) To register to receive payment of the recycling incentive, a separate, complete application must be submitted to the Board by each industrial generator, operator of a curbside collection program, or electric utility.

(b) The filing period for applications is continuous.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651, Public Resources Code.

18653.3 What information am I required to provide in the application for registration?

(a) To be considered complete, applications for registration shall contain the following information:

(1) A request for either initial registration, or for a change in registration.

(A) If the application is for a change in registration, it shall include only that information which has changed since the last application for registration was submitted to the Board.

(2) The type of organization which the generator or program represents.

(A) If the organization is an individual business doing or proposing to do business under a different name, the applicant shall provide a copy of the fictitious business name statement.

(B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement.

(C) If the organization is a corporation, the applicant shall provide the corporate number and Articles of Incorporation as filed with the Secretary of State, the name and position of all current corporate officers, and the agent for service of process. If a corporation applies to register more than once, it may submit a copy of the Articles of Incorporation with the first application submitted and reference said application in all subsequent registration application submittals.

(i) If the operation is a for-profit corporation from a state other than California, a copy of the approved certificate from the California Secretary of State qualifying and authorizing the corporation to transact business in California.

(D) If the organization is a husband and wife co-ownership, the application shall contain both names.

(E) If the organization is a local government agency, the applicant shall provide a copy of the authorizing resolution from the governing board.

(F) If the operation is a private, nonprofit program, the applicant shall submit verification of nonprofit status. A copy of the following will constitute verification:

(1) Letter from the Federal Internal Revenue Service confirming tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code; and

(2) Letter from the State of California Franchise Tax Board confirming tax exempt status pursuant to Section 23701(d) of the Revenue and Taxation Code; and

(3) Articles of Incorporation filed with the Secretary of State.

(3) The federal identification number (employer ID number) of the organization.

(4) If the organization is an industrial generator or an electric utility, a description of the physical location of the facility in relation to the nearest cross street.

(5) If an industrial generator or an electric utility, the name, street and mailing address, and phone number of the operation.

(6) If an electric utility, the Public Utilities Commission identification number, if applicable.

(7) If a curbside collection program, the name, street and mailing address, and phone number of the offices of the program operator.

(8) If the organization is a curbside collection program, the actual days of collection and a description of other materials collected.

(9) If applicable, the hazardous waste generator identification number assigned by either the Department of Toxic Substances Control or the U.S. EPA.

(10) If an industrial generator, description of the type of business conducted.

(11) Any other information the Board determines is necessary to aid in a finding that the organization is eligible for payment of recycling incentives pursuant to Public Resources Code Section 48651.

(b) The application shall be signed by the applicant(s) as described below, under penalty of perjury. The signature block shall contain an affidavit stating the following: "I certify under penalty of perjury that the information contained in this application is true and correct to the best of my knowledge and I agree to operate in compliance with the requirements of the California Oil Recycling Enhancement Act, and with all related regulatory provisions."

(1) If the operator is a partnership, the application shall be signed by each partner.

(2) If the operator is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual with authority to legally bind the entity to a contract.

(3) If the operator is a husband and wife co-ownership, the application shall be signed by both the husband and wife.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651, Public Resources Code.

18653.4 What will the Board do with the application for registration once it is submitted for review?

(a) The Board will issue an identification number to all industrial generators, operators of curbside collection programs, and electric utilities upon receipt of the application for registration.

(b) All applications for registration will be reviewed by the Board for compliance with these regulations and with the Act.

(c) The Board will periodically conduct field investigations to verify the ongoing accuracy of information contained in the registration application.

(d) The Board will notify the applicant in writing within a minimum of six (6), a median of eight (8), and a maximum of ten (10) working days of receipt of the application that it is either:

(1) Complete and correct and accepted for further review; or

(2) Incomplete and rejected and the reasons for rejection.

(e) Upon determining that an application is complete and correct, the Board shall notify the applicant in writing within a minimum of twenty-five (25), a median of thirty-five (35), and a maximum of forty-five (45) calendar days that registration is either:

(1) Granted; or

(2) Denied and the reasons for denial.

(f) Reasons for denial of registration may include, but will not be limited to, any of the following:

(1) Failure to provide information or documentation to complete the application as stipulated in Section 18653.3 of this Chapter;

(2) The applicants registration history demonstrates a pattern of operation in conflict with the requirements of the Act, including all relevant regulations adopted herein;

(3) The applicant's registration history demonstrates outstanding fines, penalties, or unresolved audit findings.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651, Public Resources Code.

18653.5 As an industrial generator, operator of a used oil collection program, or an electric utility, may I withdraw an application for registration?

Yes. An applicant may withdraw an application from review by the Board. Such withdrawal shall be requested in writing and submitted to the Board. A withdrawal of application does not prohibit an industrial generator, an operator of a curbside collection program, or an electric utility from reapplying at a later date.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651, Public Resources Code.

18653.6 As an industrial generator, an operator of a curbside collection program, or an electric utility which has already registered, might there ever be an occasion when I will need to submit a new application?

(a) Yes. Should there be a change in any of the information included in the most recent registration application submitted to the Board you are required to submit a new application.

(b) A new application shall be submitted at least sixty (60) calendar days prior to implementing the changes in part (a) above to avoid any lapse in incentive payments.

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48651, Public Resources Code.

Article 6.2 Formulas for Calculating Used Oil Recycling Rates

18654. How does the Board calculate used oil recycling rates?

(a) The formula for calculating the recycling rate for lubricating oil is as follows:

$$\frac{\text{(Gallons of Lubricating Oil Recycled)}}{\text{(Gallons of Lubricating Oil Sold)(.60)}}$$

(b) The formula for calculating the recycling rate for industrial oil is as follows:

$$\frac{\text{(Gallons of Industrial Oil Recycled)}}{\text{(Gallons of Industrial Oil Sold)(.52)}}$$

(c) The formula for calculating the recycling rate for combined oil (lubricating and industrial) is as follows:

$$\frac{\text{(Gallons of Lubricating and Industrial Oil Recycled)}}{\text{(Gallons of Lubricating Oil Sold)(.60) + (Gallons of Industrial Oil Sold)(.52)}}$$

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48631(c) and (d), and 48676, Public Resources Code.

Article 7 Recycling Incentive Payments

18655.1 Who can receive recycling incentive payments?

Used oil collection centers certified pursuant to Article 6 of this Chapter, and industrial generators, curbside collection programs, and electric utilities registered pursuant to Article 6.1 of this Chapter are eligible to receive recycling incentive payments.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), Public Resources Code.

18655.2 On what used oil can a recycling incentive be paid?

(a) For industrial generators, certified used oil collection centers, and curbside collection programs, all lubricating oil sold or transferred in this state or imported into this state after October 1, 1992, for which a \$0.04 per quart or \$0.16 per gallon fee was paid to the State of California and, after use, was transported after April 1, 1993, by a used oil hauler to a certified used oil recycling facility, or to an out-of-state facility registered with the U.S. EPA and in compliance with the regulations of the state in which the facility is located, is eligible for payment of a recycling incentive.

(b) For electric utilities, all lubricating oil sold or transferred in this state or imported into this state after October 1, 1992, for which a \$0.04 per quart or \$0.16 per gallon fee was paid to the State of California and, after use, was used to generate electricity after April 1, 1993, is eligible for payment of a recycling incentive. Electric utilities may only claim recycling incentive payments for lubricating oil used in equipment owned by the electric utility.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), Public Resources Code.

18655.3 When can an incentive claim be submitted?

No more than three incentive claims per quarter shall be submitted to the Board. Claims may not be submitted prior to April 1, 1993. The last claim for a quarter must be made on or before the last day of the month following that quarter.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), and 48670 Public Resources Code.

18655.4 How long after used oil is hauled away, or used to generate electricity by an electric utility must an incentive claim be submitted?

A claim must be submitted by the last day of the month following the quarter in which the used lubricating oil was transported by a used oil hauler to a used oil recycling facility, or used to generate electricity by an electric utility.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), Public Resources Code.

18655.5 How do incentive claims relate to quarterly reports, as described in Public Resource Code Section 48670?

(a) Incentive claims satisfy the quarterly report requirements.
(b) Industrial generators, curbside collection programs, electric utilities, and certified used oil collection centers must submit an incentive claim/report on or before the last day of the month following each quarter in which used lubricating oil was:

(1) Transported by a used oil hauler to a certified used oil recycling facility;

(2) Transported by a used oil hauler to an out-of-state facility registered with the U.S. EPA and in compliance with the regulations of the state in which the facility is located; or

(3) Used by an electric utility to generate electricity.

(c) No more than three incentive claims/reports will be accepted for each quarter.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), and 48670, Public Resources Code.

18655.6 What must be submitted with an incentive claim?

Incentive claims submitted by industrial generators, curbside collection programs, certified used oil collection centers and electric utilities must:

(a) Be accurate, complete, and typed or legibly handwritten in English; and

(b) Contain all of the following information:

(1) Full name, address, and telephone number of the person preparing the incentive claim/report; and

(2) Full name and telephone number of a contact person for purposes of the report; and

(3) The signature and title of the representative of the entity authorized to prepare the report. The signature block shall contain an affidavit stating the following: "I certify under penalty of perjury that the information contained in this application is true and correct to the best of my knowledge."; and

(4) The amount of lubricating oil purchased in the quarter or since the last incentive claim/report was submitted. Specify if no lubricating oil was purchased;

(5) If lubricating oil was purchased, copies of the purchase receipts, invoices, or other documentation showing payment of the \$0.04 per quart or \$0.16 per gallon lubricating oil recycling fee to a vendor or the State of California;

(6) The amount of used lubricating oil transported to a certified used oil recycling facility or to an out-of-state facility registered with the U.S. EPA and in compliance with the regulations of the state in which the facility is located for the period since the previous claim;

(7) Copies of manifests or modified manifest receipts from used oil haulers for the amount of used lubricating oil for which a claim is being made;

(8) Electric utilities shall include the amount of lubricating oil used to generate electricity pursuant to Public Resources Code Section 48651 (b) for the period since the previous claim; and

(9) The total monetary amount being claimed.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), and 48670, Public Resources Code.

18655.7 Where are incentive claims submitted?

Incentive Claims and Quarterly Reports shall be delivered to the Board's main business office, to the attention of the Accounting Section. The outside of the package containing the claims must be clearly marked: "Used Oil Recycling Incentive Claim Enclosed."

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48651 (a) and (b), and 48670, Public Resources Code.

18655.8 What records must I keep to support an incentive claim?

(a) Certified used oil collection centers must:

(1) If applicable, retain copies of purchasing receipts for all lubricating oil purchased that denote a fee of \$0.04 per quart or \$0.16 per gallon was paid to the State of California or a vendor; and

(2) Retain copies of manifests or modified manifest receipts from used oil haulers to support an incentive payment claim; and

(3) Maintain a log consistent with Section 18651.2 of this Chapter, if used industrial oil is accepted in addition to used lubricating oil.

(b) Curbside collection programs must:

(1) If applicable, retain copies of purchasing receipts for all lubricating oil purchased that denote a fee of \$0.04 per quart or \$0.16 per gallon was paid to the State of California or a vendor; and

(2) Retain copies of manifests or modified manifest receipts from used oil haulers to support an incentive payment claim.

(c) Electric utilities must:

(1) Retain copies of purchasing receipts for all lubricating oil purchased that denote a fee of \$0.04 per quart or \$0.16 per gallon was paid to the State of California or to a vendor; and

(2) Maintain documentation indicating:

(A) The date that used lubricating oil from utility-owned equipment was used to generate electricity; and

(B) The amount, in gallons, of used lubricating oil from utility-owned equipment that was used to generate electricity.

(d) Industrial generators:

(1) Must retain copies of purchasing receipts for any lubricating oil purchased that specify a fee of \$0.04 per quart or \$0.16 per gallon was paid to the State of California, or to the distributor; and

(2) Must retain copies of manifests or modified manifest receipts from used oil haulers; and

(3) Must retain all vouchers issued by the Board verifying refunds of fees paid by the Board for lubricating oil that was ultimately used for a use exempt from payment pursuant to Section 48650 of the Public Resources Code; and

Note: Authority Cited: Sections 40502 and 48670, Public Resources Code. Reference: Sections 48651 (a) and (b), and 48670, Public Resources Code.

18655.9 What happens if my incentive claim is rejected?

The Board will notify the claimant within a minimum of ten (10), a median of twenty, and a maximum of thirty (30) calendar days if an incentive claim is rejected and include the reasons for rejection. The claimant may resubmit a revised claim. If the Board denies payment of an incentive claim, the claimant may request a hearing.

Note: Authority Cited: Sections 40502 and 48641, Public Resources Code. Reference: Sections 48660 and 48680, Public Resources Code.

Article 8 General Provisions for Used Oil Recycling Grants

Section 18658.0 Scope and Applicability.

The regulations contained in this chapter pertain to grants from the California Used Oil Recycling Fund (Fund) to local agencies for the implementation of used oil collection programs.

Note: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48613, 48690 and 48691, Public Resources Code.

Section 18658.1 Programs Eligible for Funding.

(a) Used oil collection programs eligible for funding from the Fund, shall provide for activities relating to the implementation of new used oil collection programs, or the enhancement of current programs. These programs shall meet one or both of the following criteria:

(1) Ensure that at least one certified used oil collection center is available for every 100,000 residents not served by curbside used oil collection. The center shall accept used oil from the public at no charge. The center shall be open at least four days a week for a total of 20 hours of which three hours each week are outside the weekday hours of 8:00 a.m. through 5:30 p.m.

(2) Provide curbside collection at least once a month.

(b) Programs eligible for funding from the Fund shall include a public education program to inform the public of locally available used oil recycling opportunities.

(c) A local agency may implement its used oil collection program in conjunction with other similar programs in order to improve used oil recycling efficiency.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48613 and 48691, Public Resources Code.

Section 18658.2 Grant Application Process.

(a) To apply for a block grant, an applicant must comply with the following:

(1) A local agency with an eligible program shall submit the documents specified in Section 18659.1 of this Chapter in order to apply for a grant award.

(2) An original and three (3) copies of the documents required shall be submitted to the California Integrated Waste Management Board, at its principal place of business in care of the Household Hazardous Waste Section. All materials submitted will become the property of the Board and will be retained for a minimum of three years.

(3) The required application documents must be received by the Board on or before the close of the application period specified in Section 18658.3 of this Chapter.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48653 and 48657 Public Resources Code.

Section 18658.3 Grant Application Period.

Grant applications will be accepted beginning on the first business day of May until the end of the workday on the last business day of June. Applications received after the last business day in June will be returned to the applicants.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48653 and 48691, Public Resources Code.

Article 8.1 Local Government Block Grants

Section 18659.0 Grant Amount.

(a) As specified in Section 48653 of the Public Resources Code, grants will be given for the implementation of local used oil collection programs to cities, based on the city's population, and counties, based on the population of the unincorporated area of the county. Grants to regional programs will be based on the combined population of each city or unincorporated area which is a participant in the regional program.

(b) A local agency shall receive no more than one grant per year from the Fund. Local agencies can pool grant funds to implement regional used oil collection programs.

(c) All population statistics will be obtained through the most current annually revised Department of Finance Report on Population Estimates for California Cities and Counties, which is hereby incorporated by reference.

(d) The population of the unincorporated area in each county and population of each city will be used as a base number to determine the awarded grant amount. The Board will calculate the grant amount each applicant will receive.

(e) To determine the grant amount available to a local agency, the following formula will be used:

(1) Divide A, the total amount in the block grant account, by B, the population of the state, to calculate C, the fraction or per capita value.

$$A / B = C$$

(2) Multiply C, the per capita value, by D, the population of the local agency, to calculate E, the maximum grant amount the local agency is eligible to receive.

$$C \times D = E$$

NOTE: Authority cited: Sections 48641, 48653, and 48690, Public Resources Code. Reference: Section 48613, Public Resources Code.

Section 18659.1 Contents of the Grant Application.

(a) A local agency which is eligible for a grant award, pursuant to Section 18658.1 of this Chapter, shall submit to the Board a

grant application. The grant application shall include, but not be limited to all of the following:

(1) An Application Cover Sheet, provided by the Board as CIWMB Form 306 (9/92), which is herein incorporated by reference.

(2) A Program Report, which shall include:

(A) A description of the used oil collection program and the problem that the program is addressing;

(B) An explanation of the program's goals or objectives;

(C) Identification of the tasks necessary to complete the proposed program and an implementation schedule for the proposed tasks;

(D) If applicable, the geographic area to be serviced by a used oil curbside collection program;

(E) The local agency's population and the population served by the local agency's used oil collection program;

(F) The operation plan which describes how the program will be conducted. This may include, but is not limited to, hours of operation; frequency of pickup for a curbside collection program; days of operation for a used oil collection center; type of equipment or facilities used; and method of used oil storage and disposal;

(G) A description of the proposed public education program to inform the public of locally available used oil recycling opportunities;

(H) A description of funding sources other than the grant from the Fund, which will be used for the program; and

(I) Description of cooperative efforts between local government agencies and interested citizen associations and groups, if any, regarding implementation of the program.

(3) A Budget Report consisting of the itemized costs of the program. This shall include, but is not limited to, the cost of staffing, used oil contractor fees, the cost of public education, public awareness and/or advertising costs, and any purchases of equipment or materials. The budget report shall

also contain the source(s) of funding, fees collected, as well as the total cost of all used oil collection programs for which the request for a grant is being made.

(4) An approved resolution from each applicant's governing body authorizing submittal of the application and identifying the individual authorized to execute any agreements and contracts to carry out the program.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48613, 48690 and 48691, Public Resources Code.

Section 18659.2 Review of Grant Application.

(a) Board staff shall review an application for a grant to verify that it is complete and satisfies the criteria contained within Section 18659.1 of this Chapter.

(b) Board staff may request additional information related to the grant application required pursuant to Section 18659.1 of this Chapter if the application is incomplete. The applicant will have a minimum of 10 (ten) working days, or an additional time period specified by the Board, to submit the requested information to the Board or will be disqualified from consideration for a grant.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48690 and 48691, Public Resources Code.

Section 18659.3 Terms and Conditions of a Grant Agreement.

(a) The grant recipient and the Board shall enter into a written grant agreement which contains a description of the program, as approved, and which identifies and ensures compliance with the terms and conditions specified in this Section.

(b) The grant recipient shall obtain prior written approval from the Board, or its designated representative, for any changes to the grant agreement. All requests shall include a description of the proposed change(s) and the reason(s) for the change(s).

(c) The grant recipient shall submit an annual report to the Board, for the term of the grant agreement, on or before January 1 following receipt of the grant. The report shall include any amendments to the local used oil collection program; a description of the implementation of the program and the extent to which the program was successful in addressing the problem of illegal disposal of used oil; and a description of how the block grant for

the previous year was expended if applicable. The report shall also include the following information:

- (1) A description of the used oil collection center program and/or curbside collection program;
- (2) An account of the number of participants in the program;
- (3) The amount of used oil collected as a result of the used oil collection center or curbside collection program(s), whichever is applicable;
- (4) A description of the public education efforts; and
- (5) A description of measures taken by the local agency to continue the program.

(d) Grant recipients shall comply with all applicable federal, state and local laws, ordinances, regulations and permits. The recipient shall maintain certification of the used oil collection center(s) pursuant to Section 48660 of the Public Resources Code.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Section 48690, Public Resources Code.

Section 18659.4 Payment of Grant Funds.

Block grant recipients will be awarded grant funds by September of each grant year.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Section 48690, Public Resources Code.

Section 18659.5 Auditing.

(a) The Board, the State Controller's Office, and the State Auditor General's Office, or their designated representatives, shall have an absolute right of access to all of the grant recipient's records pertaining to a California Used Oil Recycling Block Grant.

(b) All local agencies receiving block grants from the Fund shall maintain an accounting system which utilizes generally accepted accounting principles and practices. In addition to accounting records, all source documents associated with the accounting records shall be maintained. Source documents include, but are not limited to, bid summaries, contracts with the grant recipient, change orders showing approval by a city or county engineer, purchase orders, invoices, paid warrants, time sheets, labor distribution reports and payroll registers.

(c) The accounting records and pertinent documents shall be retained by the grant recipient for at least three (3) years after expiration of the grant agreement, or until the completion of a Board action and/or resolution of issues which may arise as a result of any litigation, claim negotiation or audit.

(d) If an audit reveals that grant funds have been distributed for a program which has either not met the criteria of Section 18658.1 of this Chapter, and/or has not spent grant funds in accordance with the grant agreement, the grant recipient shall repay the money received, plus interest, at the rate the State would have earned on this money had it remained in the Fund. Such forfeitures shall revert to the Fund.

(e) The Board may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined by the Board that the recipient has failed to comply with the terms or conditions of the grant agreement. The Board shall notify the recipient within five (5) working days, in writing, of the determination, the reasons for termination of the grant, and the effective date of termination.

NOTE: Authority cited: Section 48641, Public Resources Code.
Reference: Sections 48613, 48674, 48690 and 48691, Public Resources Code.

For Agency Use Only

File # _____

Eligible _____

State of California

California Integrated Waste Management Board

APPLICATION COVER SHEET - USED OIL RECYCLING BLOCK GRANT

CIWMB-306 (9/92)

Name of Applicant: _____

Address: _____

City: _____

Zip: _____

Name of Program Director: _____

Title: _____

Phone: _____

Name of Finance Officer: _____

Title: _____

Phone: _____

Name of Program Manager: _____

Title: _____

Phone: _____

Type of Program: _____

Total Grant Request: _____

Certification:

I assume the responsibility to ensure compliance with all state and local environmental requirements and all related codes, laws, regulations, and guidelines prior to the expenditure of the grant funds.

I further declare under penalty of perjury that all information submitted for the Board's consideration for allocation of grant funds is true and accurate to the best of my knowledge and belief.

Name of Authorized Person: _____

Signature: _____

Title: _____

Phone: _____

Date: _____

PROPOSED FINDING OF EMERGENCY

The California Integrated Waste Management Board finds that an emergency exists, and that the foregoing regulations are necessary for the immediate preservation of the public peace, health and safety and general welfare.

Specific Facts Showing the Need for Immediate Action

While California currently generates about 161 million gallons of used lubricating and industrial oil each year, only 50 percent is recycled. The public illegally disposes of the remaining used oil, which is classified as hazardous waste in California. Routes of illegal disposal include storm drains, sewers, vacant lots and solid waste landfills; these routes of illegal disposal directly impact drinking water supplies. The United States Environmental Protection Agency has evidence that one quart of used motor oil has the potential to contaminate a million gallons of drinking water. Consequently, the illegal disposal of used oil threatens the public health and general welfare of the state.

To address this public health threat, the legislature passed the California Oil Recycling Enhancement Act (Act). The Act, now codified in Public Resources Code (PRC) Sections 48600 to 48691, became effective on January 1, 1992. The primary purpose of this law is to discourage the illegal disposal of used oil through promotion of recycling of used oil, thus protecting the public health and the environment.

Since October 1, 1992, every oil manufacturer has been required to pay fees to the board for every quart of oil sold or transferred in the state in accordance with PRC Section 48650.

PRC Section 48660 requires the certification of used oil collection centers prior to payment of recycling incentives and specifies certain certification requirements. It is critical that the certification application process be in place in time to allow the processing of applications, and ultimately the certification of collection centers, prior to April 1, 1993, the statutory date upon which payment of recycling incentives must commence. Certification of collection centers by April 1 will allow incentive payment without delay. The payments will serve as an incentive to business and the general public to recycle used oil rather than illegally dispose of it. The certification process is included in the proposed regulations.

The Act also requires the Board to begin payment of recycling incentives to certified collection centers, industrial generators, curbside collection programs, and electric utilities on April 1, 1993. The proposed regulations, which specify the

recycling incentive claim process, and the certification process for used oil collection centers, must be in place as soon as possible in order to explain the procedures and allow the processing of applications by the April 1, 1993 deadline.

It is critical for certified used oil collection centers, industrial generators, curbside collection programs, and electric utilities to have direction regarding claiming the \$0.04 per quart recycling incentive. The payments will serve as an incentive to recycle used oil rather than cause illegal disposal of it. The recycling incentive claim process is included in the proposed regulations.

Failure to adopt the proposed emergency regulations immediately will result in a delay in payment of the recycling incentive. This delay would result in the continued illegal disposal of used lubricating oil. If implemented immediately, the regulations will prevent a significant portion of this illegal disposal.

For the above reasons, the Board finds it necessary to adopt these emergency regulations to provide guidance regarding the certification process for used oil collection centers and the recycling incentive claim process. The Board has determined that adoption of these regulations is necessary for the immediate preservation of the public peace, health and safety or general welfare. Failure to adopt these regulations may threaten the integrity of the used oil recycling program established by the Act, which may result in continued illegal disposal of used oil.

Authority and Reference Citations

Authority: Sections 40502 and 48641, Public Resources Code.

Reference: Sections 48613, 48624, 48631(c), 48631(d), 48651, 48653, 48657, 48660, 48660.5, 48662, 48670, 48673, 48674, 48675, 48676, 48680, 48690, and 48691.

Informative Digest

Existing law authorizes the Board to adopt solid waste management rules and regulations as necessary for the preservation of health and safety, and the well being of the public, in response to regional needs and to set forth minimum standards.

Since October 1, 1992, every oil manufacturer has been required to pay fees to the Board for every quart of oil sold or transferred in the state in accordance with PRC Section 48650. The Act requires the Board to begin payment of recycling incentives to certified collection centers, industrial generators, curbside collection programs, and electric utilities on April 1, 1993. The proposed regulations are needed to specify

the recycling incentive claim process, and the certification process for used oil collection centers, and the registration of industrial generators, curbside collection programs, and electric utilities, to allow for the processing of applications prior to the April 1, 1993 deadline. The proposed emergency regulations also address grants to local governments and nonprofit entities, enforcement provisions, public hearing procedures, and formulas for calculating used oil recycling rates.

The immediate adoption of these regulations will facilitate the timely implementation of a statewide system for the proper disposal of used motor oil, a hazardous waste in the State of California, thus protecting the public health, safety and general welfare.

Mandate on Local Agencies or School Districts

The California Integrated Waste Management Board has determined that Sections 18601 through 18659.5 do not impose a mandate on local agencies or school districts; there are no reporting requirements and no state reimbursement is required.

Cost Estimate

The California Integrated Waste Management Board has determined that these regulations will involve no costs or savings to any state agency, no nondiscretionary costs or savings to school districts, no reimbursable costs or savings to school districts, and no costs or savings in federal funding to the State.

The Board has also determined there will be no cost imposed upon local agencies. However, there may be a revenue savings to local government totaling \$10,000,000 per year because of a mandated local government block grant program. The grants will be allocated to qualifying local governments by population. In addition to the grant program, local governments which operate curbside used oil collection programs will be eligible to claim a \$0.04 per quart recycling incentive.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Resolution 92-
November 18, 1992

**Adoption of Emergency Regulations for the
Used Oil Recycling Program**

WHEREAS, Public Resources Code (PRC) Section 48651 requires the Board to pay a recycling incentive, after April 1, 1993, to industrial generators, curbside collection programs, and certified used oil collection centers that recycle used lubricating oil; and

WHEREAS, the Board must certify used oil collection centers and used oil recycling facilities pursuant to PRC Sections 48660 and 48662, respectively; and

WHEREAS, PRC Section 48653(a)(4) requires the Board to issue block grants to local governments for the implementation of local used oil collection programs; and

WHEREAS, the Board has determined that an emergency exists, as identified in Government Code Section 11349.6(b); and

WHEREAS, the Board has fulfilled all of the requirements of Government Code Sections 11346.1, 11346.2, paragraphs (2) to (6), inclusive, of subdivision (a) of Section 11346.5, 11349.1 and 11349.6.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the proposed emergency regulations for Title 14, Division 7, Chapter 8 of the California Code of Regulations and the Finding of Emergency (Attachment 2); and

BE IT FURTHER RESOLVED that the Board directs staff to submit the emergency regulations to the Office of Administrative Law for review and approval.

Certification

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on November 18, 1992.

Dated:

Ralph E. Chandler
Executive Director

ITEM 5 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 11-4-92 MEETING.

BOARD MEMBERS ARE USING THE STAFF REPORT FOR THIS ITEM
FROM THE PERMITTING AND ENFORCEMENT COMMITTEE PACKET
IN AN EFFORT TO CONTRIBUTE TO SOURCE REDUCTION.

IF YOU DID NOT RECEIVE THE 11-4-92 PERMITTING
AND ENFORCEMENT COMMITTEE PACKET AND NEED
THE STAFF REPORT FOR THIS ITEM,
CONTACT ~~PAT CHARTRAND~~ AT (916) 255-2156.

Cathy Foreman

ITEM 6 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
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Cathy Foreman

ITEM 12 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
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Cathy Foreman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOVEMBER 18, 1992

AGENDA ITEM # 20

ITEM: Consideration of Staff Recommendation of Revolving Loan Fund Program Loan Committee Membership

COMMITTEE ACTION:

Publication of this item occurred before Committee action was taken on November 12, 1992.

BACKGROUND:

The Loan Committee will serve as a financial advisory Committee to the Board regarding loans made through the Zone Revolving Loan Fund Program. Committee membership recruitment is being initiated by staff, and will be presented to the Market Development Committee for consideration at the November meeting, before presentation to the Board on November 19th.

ANALYSIS:

The Loan Committee is a seven member Committee, appointed by the Board for one or two year appointments. Expertise in financial analysis and credit evaluation is necessary to serve on the Committee. Representation on the Committee must be from the public and private sectors, urban and rural areas, the Department of Commerce, and the lending community. The Committee will meet quarterly, and will submit a list of recommended projects to the Market Development Committee for final recommendation to the full Board.

Staff has compiled a list of qualified members. The people have been contacted, and interested candidates have provided information on their qualifications to staff. This information has been presented to the Market Development Committee for action, and is now being presented to the Board for consideration.

STAFF COMMENTS:

Staff recommends the Board approve membership of the Loan Committee at this meeting.

ATTACHMENTS:

Information on candidates will be provided at the meeting.

California Integrated Waste Management Board
November 18, 1992

Agenda Item 20
Page 2

Prepared by: Jill Larner

Phone: 255-2392

Reviewed by: John Smith *JS*

Phone: 255-2401

Legal Review: *Memo*

Date/Time 11/9/92 - 4:30pm

Disk file name: LNCOMMBD. ITM

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOVEMBER 18, 1992

AGENDA ITEM 21

ITEM: Consideration of Approval to Publish First Comparable Quality Standards for Recycled Content Newsprint.

COMMITTEE ACTION:

The Market Development Committee had not met at the time this agenda item went to print.

BACKGROUND:

Public Resources Code section 42775 requires the Board to establish comparable quality standards for recycled content newsprint. The standards are to be based on the average numerical standards for opacity, brightness, and cross machine tear strength. Samples available from all producers selling recycled content newsprint, in the state, in quantities of at least 5,000 metric tons per year must be evaluated. The Board is to set standards which deviate from this average by not more than 5 percent.

Section 17964 (c) of Title 14 of the California Code of Regulations directs the Board to set standards for the newsprint and lightweight newsprint grades which deviate from the average by 2 percent, thereby multiplying the average by 0.98. Section 17964 (f) states that the Board will make available the comparable quality standards by November 30 of each year.

ANALYSIS:

The Board has been receiving the services of the Department of General Services, Standards and Quality Control Section, to perform the physical analysis of newsprint samples submitted for testing. Interagency Agreements IWM-C070 and IWM-C071 call for the Quality Control laboratory to prepare newsprint samples for testing, conduct the testing, and submit the results to the Board.

The newsprint regulations indicate that all sampling, testing, and data recording is to be conducted according to the Technical Association of the Pulp and Paper Industry (TAPPI) methodology.

During the development of the regulations, staff had identified three manufacturers and three grades of newsprint which would be included in the standards. In early August, staff mailed a letter requesting samples from newsprint manufacturers who sold at least 5,000 metric tons of recycled content newsprint in California. Three additional manufacturers responded bringing the total to six manufacturers and five different grades of newsprint. A total of

twenty eight newsprint samples (2 each of 14 grades) were tested and results were submitted to Board staff.

The complete list of samples includes:

Manufacturer:	Smurfit Newsprint
Grades:	32 lb., 30 lb., 27.7 lb.
Manufacturer:	Stone Container
Grades:	32 lb., 30 lb.
Manufacturer:	NorPac
Grades:	32 lb., 30 lb., 27.7 lb.
Manufacturer:	Fletcher Challenge
Grades:	32 lb., 30 lb., 27.7 lb.
Manufacturer:	Powell River - Alberni
Grades:	30 lb.
Manufacturer:	Daishowa
Grades:	22.2 lb. yellow, 22.2 lb. white
Totals:	6 manufacturers 5 grades of newsprint 28 samples tested (2 each of 14 grades)

STAFF COMMENTS:

Staff recommends the Board approve the comparable quality standards so they may be made available to newsprint consumers. Publication of the quality standards will make them available to newsprint consumers who may need them to make their certification. Delay in publication may result in confusion and difficulty for newsprint consumers making their certifications and for the Board in attempting to process them.

ATTACHMENTS:

1. Recycled content newsprint comparable quality standards.
2. Recycled content newsprint comparable quality standards test data summary and calculations.

Prepared by: Jerry Hart Phone 255-2399

Reviewed by: John Smith and Tom Rietz Phone 255-2401

Legal review: MEM Date/Time 11/9/92 4:30 pm

ATTACHMENT 1

1993 Calendar Year Recycled Content Newsprint
Comparable Quality Standards

	Brightness	Opacity	XMD Tear
Grade - 27.7 lb. Newspaper Newsprint			
	56.3	91.9	36.4
Grade - 30.0 lb. Newspaper Newsprint			
	56.4	92.6	41.4
Grade - 32.0 lb. Newspaper Newsprint			
	56.8	93.7	45.2
Grade - 22.2 lb. Lightweight Newsprint (Yellow)			
	32.1	87.4	25.7
Grade - 22.2 lb. Lightweight Newsprint (White)			
	57.9	84.3	27.7

ATTACHMENT 2

1993 Calendar Year Recycled Content Newsprint Quality Standards Test Data Summary and Calculations

Grade - 27.7 lb. Newspaper Newsprint

	Brightness (%)	Opacity (%)	XMD Tear (grams)
Sample #1a:	55.9	94.0	33.5
Sample #1b:	57.8	94.2	34.6
Sample #2a:	56.0	93.7	44.1
Sample #2b:	58.2	93.4	39.6
Sample #3a:	58.2	94.1	35.7
Sample #3b:	<u>58.4</u>	<u>93.4</u>	<u>35.2</u>

Total	344.5	562.8	222.7
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Average (total divided by 6)

	57.4	93.8	37.1
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Standard (average multiplied by 0.98)

	56.3	91.9	36.4
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Grade - 30.0 lb. Newspaper Newsprint

	Brightness (%)	Opacity (%)	XMD Tear (grams)
Sample #5a:	57.5	94.9	42.3
Sample #5b:	56.2	94.2	48.5
Sample #6a:	57.7	94.1	40.4
Sample #6b:	57.7	94.4	40.6
Sample #7a:	57.8	94.7	47.3
Sample #7b:	57.2	94.8	41.7
Sample #8a:	59.3	93.5	42.3
Sample #8b:	57.4	95.3	40.6
Sample #9a:	57.5	94.3	39.8
Sample #9b:	<u>57.4</u>	<u>94.6</u>	<u>38.6</u>

Total	575.7	944.8	422.1
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Average (total divided by 10)

	57.6	94.5	42.2
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Standard (average multiplied by 0.98)

	56.4	92.6	41.4
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1993 Calendar Year Recycled Content Newsprint Quality Standards
Test Data Summary and Calculations

Page Two

Grade - 32.0 lb. Newspaper Newsprint

	Brightness (%)	Opacity (%)	XMD Tear (grams)
Sample #10a:	57.4	96.2	44.8
Sample #10b:	57.0	96.1	45.6
Sample #11a:	58.2	95.1	40.1
Sample #11b:	57.8	95.5	43.0
Sample #12a:	58.3	96.1	46.1
Sample #12b:	58.5	96.0	47.0
Sample #13a:	58.6	95.1	51.1
Sample #13b:	<u>58.4</u>	<u>94.9</u>	<u>50.8</u>
Total	464.2	765.0	368.5
Average (total divided by 8)			
	58.0	95.6	46.1
Standard (average multiplied by 0.98)			
	56.8	93.7	45.2

Grade - 22.2 lb. Lightweight Newsprint (Yellow)

	Brightness (%)	Opacity (%)	XMD Tear (grams)
Sample #14a:	32.7	89.1	25.9
Sample #14b:	<u>32.9</u>	<u>89.2</u>	<u>26.4</u>
Total	65.6	178.3	52.3
Average (total divided by 2)			
	32.8	89.2	26.2
Standard (average multiplied by 0.98)			
	32.1	87.4	25.7

1993 Calendar Year Recycled Content Newsprint Quality Standards
Test Data Summary and Calculations

Page Three

Grade - 22.2 lb. Lightweight Newsprint (White)

	Brightness (%)	Opacity (%)	XMD Tear (grams)
Sample #15a:	58.8	85.7	29.4
Sample #15b:	<u>59.3</u>	<u>86.2</u>	<u>27.2</u>
Total	118.1	171.9	56.6
Average (total divided by 2)			
	59.1	86.0	28.3
Standard (average multiplied by 0.98)			
	57.9	84.3	27.7

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

November 18, 1992

AGENDA ITEM 22

ITEM: Consideration of Purchase of "Buy Recycled" guides

COMMITTEE ACTION:

The Legislation and Public Affairs Committee considered this item on November 17, 1992; therefore, specific Committee action cannot be reflected in this agenda item.

BACKGROUND:

At its September 30, 1992, meeting, the Board approved in concept purchase of the buy recycled campaign booklet entitled **Shopper's Guide to Recycled Products** developed by the Californians Against Waste Foundation. For \$50,000, the Californians Against Waste Foundation (CAW Foundation) will print and deliver to the Board 50,000 copies of the booklet. The CAW Foundation will revise the back cover to include the Board logo and return address.

This booklet will supplement the other materials being developed for distribution to consumers through the DDB Needham source reduction campaign of "Leave Less Behind for the Future" scheduled to get underway in early 1993. The booklet will be distributed on request to consumers calling the Board hotline for information. This agenda item is for the procurement of an existing document; therefore, no scope of work has been prepared.

ANALYSIS:

The CAW Foundation developed this booklet as a guide to encourage consumers to buy recycled and "keep a good thing going." It explains the recycling process and the term "postconsumer content", and includes a "Buy Recycled" product list, detailing the recycled and postconsumer content in manufacturers' products or packaging.

By providing consumers with this booklet, the Board can give the public the information needed to make informed choices about purchasing products made with recycled content.

STAFF COMMENTS:

The CAW Foundation has invested a significant amount of time researching and writing this booklet. Rather than develop another similar document, the Board can benefit from this work by purchasing copies now of a **Shopper's Guide to Recycled Products** to distribute to the public through the Board's upcoming source

reduction campaign. The Board will save the time and money needed to develop this kind of document and also make the information available in a timely manner.

ATTACHMENTS:

1. Shopper's Guide to Recycled Products

Prepared by: Sharron Leao Phone 255-2288

Reviewed by: Pat Macht *PM* Phone 255-2296

Legal Review: _____ Phone _____

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOVEMBER 18, 1992

AGENDA ITEM 23

ITEM: Consideration of Award of Contract for KCBS Education Contest

COMMITTEE ACTION:

The Legislation and Public Affairs Committee considered this item on November 17, 1992; therefore, specific Committee action cannot be reflected in this agenda item.

BACKGROUND:

At its September meeting, the Legislation and Public Affairs Committee approved a curriculum compendium project that will enable education staff to achieve several goals identified in the Education Action Plan: Develop a framework of IWM concepts necessary to effectively educate California's children; identify and evaluate existing IWM instructional materials; provide teachers with a compilation of existing materials, each one evaluated using California instructional frameworks.

In addition to providing California educators with instructional materials, the Education Action Plan identifies a goal to develop an awareness campaign to promote student involvement in IWM problems and solutions. The purpose is not only to promote awareness and understanding of IWM issues and problems, but to also provide students with the skills and commitment to address these issues particularly in their own communities. Research has shown that students learn best through action, and life-long participation in environmental issues can only be achieved through empowerment. Students must be shown that integrated waste management issues are relevant to their own lives and that individual and collective action can make a difference. The proposed KCBS education project will facilitate this type of learning and empowerment.

Education program staff proposes the appropriation of \$10,000 from the education contract allocation to be contracted to Callan Communications, for preliminary research and development of a school IWM contest culminating in statewide television programming. Callan Communications is an award-winning communications partnership specializing in environmental education television programming.

Callan Communications works cooperatively with KCBS television and has a long-standing contract with the station to develop environmental education broadcasting targeting school-age

children. The firm has received numerous awards for their efforts, including several Emmies.

ANALYSIS:

Board staff first learned about Callan Communications through their very creative and successful program called "Ecology Kids Challenge", aired on KCBS. This one-hour game show features celebrity panelists who try to stump elementary school students on answers to environmental questions. Participating students have the opportunity to win an Apple computer. This type of strategy of utilizing school education, private sponsorships, and television broadcasting is a dynamic way of promoting learning and motivating student involvement in environmental issues.

The CIWMB/KCBS education contest would serve a similar purpose. Staff proposes developing a contest in which individual students with the assistance of their teachers identify an integrated waste management problem in their community. The students would investigate the problem and recommend a solution based upon their research. These problem/solution reports would be submitted to a regional contestant coordinator who will judge projects and designate winners. Regional winners would receive special awards and recognition, and the contest would culminate with a special half-hour television program to be broadcast all over the state and would profile the regional winners.

The parameters of the project that have been defined are as follows:

- The contest will commence fall '93, with contest information distributed to teachers by May '92;
- The contest will target next year's eighth graders;
- The scope of the project will include the school districts in 5-8 regions in the state, possibly targeting those schools participating in the Board's pilot waste reduction programs;
- Participation will be regional, but the culminating television coverage will be marketed to CBS affiliates statewide;
- Contest information materials, the Curriculum Compendium, and IWM instructional fact sheets will be provided to participating teachers;
- Media and press events will follow announcement of the regional winners.

Callan Communications, under this contract, will develop an implementation strategy that includes the following:

- Define the specific criteria and parameters of the IWM contest including content, process, judging criteria and logistics of implementation;
- Identify and confirm regional contest coordinators;
- Identify potential distribution mechanisms to regional schools;
- Identify ancillary education and contest support materials needed to enhance contest participation and television program viewing;
- Identify and confirm corporate sponsorships for contest support;
- Provide scope and content of television programming;
- Develop project budget.

Callan Communications is uniquely qualified to spearhead this project due to their training and experience in communications, education and broadcasting. No other organization has the relationship with and the access to network broadcasting for the development and promotion of children's environmental education programming. Callan-produced programs are considered exemplary because they utilize the television medium to inform viewers about critical environmental and cultural issues, and promote action at the community level. Education programming developed by Callan Communications includes efforts coordinated with TreePeople, Heal the Bay, and the Coalition for Clean Air (see attached).

STAFF COMMENTS:

Staff recommends approval of this first step in the development a truly unique education project. A contest of this kind will rapidly disseminate the IWM message to California schools. By connecting the parameters of the contest to community problems and solutions, students and teachers will be compelled to take a close look at local IWM concerns and investigate the parameters of complex IWM issues: social, economic, technical, and political. This process is consistent with state-of-the-art education strategies that encourage thematic, interdisciplinary

approaches to learning that compel students to think critically. Teachers will find this process appealing.

The materials that will be available to teachers participating in this project will also induce teacher participation because the materials will be readily available and will require little teacher preparation. With the concept of a contest, culminating in local and statewide television coverage, there is tremendous incentive for teachers and students to participate.

Prepared by: Tricia Broddrick  Phone 255-2292

Reviewed by: Pat Macht  Phone 255-2294

Legal Review: _____ Phone _____

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOVEMBER 18, 1992

AGENDA ITEM 24

ITEM: Consideration of Allocation of Funding for California Science Center Waste Exhibit Tour

COMMITTEE ACTION:

The Legislation and Public Affairs Committee considered this item on November 17, 1992; therefore, specific Committee action cannot be reflected in this agenda item.

BACKGROUND:

In the 1991-1992 fiscal year, the Board provided \$10,000 to the Sacramento Science Center to design and build the 2000 sq. ft. exhibit, "Garbage...and all that trash!" During its five month exhibition at the Science Center (Jan. 15 - June 28, 1992), 40,554 people were educated about resource conservation and waste management, of whom 24,361 were elementary school children on docent-led tours.

The exhibit will be going out to other museums this fall. This is the second travelling exhibit developed by the Sacramento Science Center. Upon learning that the Science Center had designed another travelling exhibit, inquiry calls started coming from satisfied museums who had booked the Center's previous exhibit, "Body Wonder-full." Reservations for "Garbage...and all that trash!" have been received from Mobile Ala., Memphis Tenn., and Eugene Ore. Several cities in California have expressed interest in booking the exhibit but have indicated that funding is a major obstacle.

Staff proposes that the Board allocate \$10,000 from the education contract fund to co-sponsor a four-city tour of this exhibit to mid-size communities in California.

ANALYSIS:

Large museums and nature centers tend to design their own exhibits. Small and mid-sized museums generally do not have the staff or the resources to build entire exhibits such as "Garbage", and limited funds do not allow them to rent exhibits of this scope. Museums of this type were primary targets of the Science Center in their marketing efforts. Carter House in Redding and the La Habra Children's Museum are attempting to raise sponsorship dollars. If the Board approves co-sponsorship, any additional monies raised by these museums will be used for promotional printing costs, environmental curricula, special events and workshops themed to recycling and waste management.

Two other museums, located in Fresno and Stockton, expressed interest in the exhibit but have no access to fund-raising strategies at all. The Discovery Center in Fresno is so excited about the possibility of having "Garbage" that they have

committed to clear out their temporary and semi-permanent exhibits for the duration of the exhibition. Clever Planetarium in Stockton recently opened an Earth Science Center. "Garbage" would be one of the first to be exhibited in their new facility. Neither of these museums would be able to afford rental and shipping charges, and neither has ever had a travelling exhibit before.

The suggested schedule of bookings is as follows. It is not unusual for museums to book two to three years in advance.

12/1/92 - 2/1/93	Chico Nature Center
6/1/93 - 9/1/93	La Habra Children's Museum
1/1/94 - 5/1/94	Clever Planetarium, Stockton
6/1/94 - 9/1/94	Carter Natural Science Museum, Redding

Cost breakdown for the four-city tour is as follows:

\$3800 exhibition rental fee for a three month exhibit
x four sites = \$15,200

\$1000 - \$2000 transportation cost per site (cost varies depending on distance)
x four sites = \$4000 to \$8000

TOTAL: \$19,200 - \$23,200

The Board's contribution as a co-sponsor would be \$10,000.

STAFF COMMENTS:

There are many advantages to supporting this project. The Board provided an initial sponsorship of \$10,000 for an exhibit that facilitated the education of more than 40,000 people. With an additional \$10,000 allocation, this education will be made available to four additional regions throughout the state with

the potential of reaching an additional 120,000 Californians. This type of education is creative, hands-on and interactive.

The participating science and nature centers are small to mid-size museums located in cities that have few other resources to support community and school IWM programs. In addition, the greatest target audience for each of these museums is elementary

school children. Many schools use these exhibits to enhance classroom instruction.

The centers are strategically located to cover a cross-section of the state; northern, central and southern California communities will be reached. Media events will accompany the opening of the exhibits, and the Office of Public Affairs and Education will take every opportunity to facilitate Board recognition and visibility at each of the sites.

This project targets a diversity of Californians, supports local government and school IWM education efforts, and provides high visibility and media opportunities for the Board--- a win-win project.

Prepared by: Tricia Broddrick *TB* Phone 255-2292

Reviewed by: Pat Macht *PM* Phone 255-2294

Legal Review: _____ Phone _____

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOVEMBER 18 , 1992

AGENDA ITEM 25

ITEM: Consideration of Award of Contract to East Bay
Conservation Corporation for Pilot Recycling Project in
Oakland

BACKGROUND:

As of the date that this item went to print, the Legislation and Public Affairs Committee had not yet made a recommendation on the proposed contract award. Staff is requesting that the Board consider award of a contract in the amount of \$9,850.00 with the East Bay Conservation Corporation where the concept for the project, ALCOA Aluminum/Oakland City Schools Metal Recycling Program, was approved at the September 30, 1992 Board meeting.

ANALYSIS:

Action is needed by the Board so this contract can proceed.

Prepared by : Connie Dunn^{ed}
Reviewed by : Bonnie MacDuffee *(BIM)*
Reviewed by : Bob Del Agostino *(S)*
Legal Review : _____ *[Signature]*

Phone 255-2242
Phone 255-2710
Phone 255-2259

Date/Time 11-5-92

STANDARD AGREEMENTAPPROVED BY THE
ATTORNEY GENERAL

STD. 2 (REV. 5-91)

CONTRACT NUMBER
IWM-C2029

AM. NO.

TAXPAYER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER
94-2941068

THIS AGREEMENT, made and entered into this 22nd day of October, 191992,
in the State of California, by and between State of California, through its duly elected or appointed, qualified and acting

TITLE OF OFFICER ACTING FOR STATE
Executive Director

AGENCY

California Integrated
Waste Management Board

, hereafter called the State, and

CONTRACTOR'S NAME

East Bay Conservation Corporation

, hereafter called the Contractor.

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the State hereinafter expressed, does hereby agree to furnish to the State services and materials as follows: *(Set forth service to be rendered by Contractor, amount to be paid Contractor, time for performance or completion, and attach plans and specifications, if any.)*

Contractor agrees to collect aluminum cans from three elementary schools in the Oakland Unified School District participating in a recycling can drive pilot project. Contractor agrees to transport the aluminum cans to Aaron Metals for recycling, as described in Exhibit A, Scope of Work.

Contractor also agrees to provide student organizing assistance relating to expanding a recycling and source reduction program throughout elementary schools in the Oakland Unified School District, as described in Exhibit A.

Contractor will be paid in accordance with Exhibits B and C. The total amount of this contract will not exceed \$9,850.00.

The State will withhold payment equal to 10 percent of each invoice until completion of all work and other requirements to the satisfaction of the State in accordance with this contract.

The term of this agreement will be approximately six months, commencing on November 1, 1992 and terminating on April 30, 1993.

The following Exhibits are attached to this agreement and incorporated by reference:

Exhibit A	Scope of Work
Exhibit B	Budget
Exhibit C	Contract Payment Request Instructions

CONTINUED ON _____ SHEETS, EACH BEARING NAME OF CONTRACTOR AND CONTRACT NUMBER.

The provisions on the reverse side hereof constitute a part of this agreement.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

STATE OF CALIFORNIA**CONTRACTOR**AGENCY
California Integrated Waste Management BoardCONTRACTOR (If other than an individual, state whether a corporation, partnership, etc.)
East Bay Conservation Corporation

BY (AUTHORIZED SIGNATURE)

BY (AUTHORIZED SIGNATURE)

PRINTED NAME OF PERSON SIGNING
Ralph E. ChandlerPRINTED NAME AND TITLE OF PERSON SIGNING
Joanna Lennon, Executive DirectorTITLE
Executive DirectorADDRESS
1021 Third Street, Oakland, CA 94607AMOUNT ENCUMBERED BY THIS
DOCUMENT

\$ 9,850.00

PROGRAM/CATEGORY (CODE AND TITLE)

FUND TITLE
IWM ClearingDepartment of General Services
Use OnlyPRIOR AMOUNT ENCUMBERED FOR
THIS CONTRACT

\$ -0-

(OPTIONAL USE)

ITEM
3910-001-387CHAPTER
587STATUTE
1992FISCAL YEAR
1992-93TOTAL AMOUNT ENCUMBERED TO
DATE

\$ 9,850.00

OBJECT OF EXPENDITURE (CODE AND TITLE)

20000-3040-418

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

T.B.A. NO.

B.R. NO.

SIGNATURE OF ACCOUNTING OFFICER

DATE date encumbered

☐ CONTRACTOR☐ STATE AGENCY☐ DEPT. OF GEN. SER.☐ CONTROLLER☐

Definitions

In interpreting this agreement, the following terms will have the meanings given to them below, unless the context clearly indicates otherwise.

- A. "Board" will mean the California Integrated Waste Management Board.
- B. "Executive Director" will mean the Executive Director of the California Integrated Waste Management Board, or his/her designate. Any references to Executive Officer will mean Executive Director or his/her designate.
- C. "State" will mean the State of California, including but not limited to, the California Integrated Waste Management Board and/or its designated officer.
- D. "Contractor" will mean the recipient of funds pursuant to this agreement.
- E. "Subcontractor" will mean a person or entity which contracts with the contractor to perform all or a portion of the work as specified in the Scope of Work, Exhibit A.

Audit. The contractor agrees that the Board, the State Controller's Office and the State Auditor General's Office, or their designated representatives, will have an absolute right of access to all of the contractor's records pertaining to the agreement to conduct reviews and/or audits. contractor's records pertaining to the agreement, or any part thereof requested, will be made available to the designated auditor(s) upon request for the indicated reviews and/or audits. Such records will be retained for at least three years after expiration of the agreement; or until completion of the action and resolution of all issues which may arise as a result of any litigation, claim, negotiation or audit, whichever is later.

The Board will have the right to review the contractor's records for the specific purpose of verifying compliance with the Minority and Women Business Enterprise requirements set out in California Government Code Section 10115 et seq. and Title 2, California Code of Regulations, sections 1896.60 et seq.

If an audit reveals the State funds are not being expended, or have not been expended in accordance with the agreement, the contractor may be required to forfeit the unexpended portion of the funds and/or repay the State for any improperly expended monies.

Contractor Evaluations. In accordance with State Administrative Manual, Section 1283, the Contractor's performance under the contract will be evaluated by the Board. The evaluation will be prepared within 60 days of the completion of the contract and shall

remain on file by the Board for a period of 36 months. If the contractor does not satisfactorily perform the work or service specified in the contract, the Board shall place one copy of the evaluation form in the Board's contract file and send one copy of the form to the Department of General Services, Office of Legal Services, within five working days of the completion of the evaluation.

Upon filing an unsatisfactory evaluation with the department, the Board shall notify and send a copy of the evaluation to the contractor within 15 days. The contractor shall have 30 days to prepare and send statements to the Board and the department defending his or her performance under the contract. The contractor's statement shall be filed with the evaluation in the Board's contract file and in the Department of General Services, Office of Legal Services.

The evaluations and contractor responses on file with the Board and the department shall not be public records.

Drug-Free Workplace Certification. The contractor, by signing this agreement, certifies compliance with Government Code section 8355 in matters relating to providing a drug-free workplace. The contractor will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code section 8355(a).
2. Establish a Drug-Free Awareness Program as required by Government Code section 8355(b), to inform employees about all of the following: (a) the dangers of drug abuse in the workplace, (b) the contractor's policy of maintaining a drug-free workplace, (c) any available counseling, rehabilitation and employee assistance programs, and (d) penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by Government Code section 8355(c), that every employee who works on the proposed contract: (a) will receive a copy of the company's drug-free policy statement, and (b) will agree to abide by the terms of the company's statement as a condition of employment on the contract.

The person signing this contract on behalf of the contractor swears that he/she is authorized to legally bind the contractor to this certification and makes this certification under penalty of perjury under the laws of the State of California.

Nondiscrimination Clause. (OCP - 2)

1. During the performance of this contract, contractor and its subcontractors shall not unlawfully discriminate against any

employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40) or sex. Contractors and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. Contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code are incorporated into this contract by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

2. This contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the contract.

National Labor Relations Board Certification. The contractor, by signing this agreement, swears under penalty of perjury that no more than one final unappealable finding of contempt of court by a Federal court has been issued against the contractor within the immediately preceding two-year period because of the contractor's failure to comply with an order of a Federal court which orders the contractor to comply with an order of the National Labor Relations Board.

Statement of Compliance. The contractor's signature affixed hereon will constitute a certification under penalty of perjury under the laws of the State of California that the contractor has, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Code of Regulations, Section 8103.

Availability of Funds. The State's obligations under this agreement are contingent upon and subject to the availability of funds appropriated for this contract.

Consulting Services. If this is a contract for consulting services, the contractor is hereby advised of its duties, obligations and rights under Public Contract Code sections 10355 through 10382.

Payment. The Budget, Exhibit B, states the maximum amount of allowable costs for each of the tasks identified in the Scope of Work. The State will reimburse the contractor for performing only those services specified in Exhibit B. Travel expenses will only be paid if provided for in Exhibit B.

In the event the contractor's projection of costs indicates a need to revise the Budget attached as Exhibit B, the contractor will notify the State within ten (10) working days of the discovery of need for revision.

Entire Agreement. This agreement supersedes all prior agreements, oral or written, made with respect to the subject hereof and, together with the Exhibits hereto, contains the entire agreement of the parties.

Work Authorizations. When work authorizations are required, the Contract Manager will prepare a work authorization upon consultation with the Contractor. Each work authorization will consist of a detailed statement of the purpose, objectives or goals to be undertaken by the Contractor, identification of the Contractor team, an identification of all significant material to be developed and delivered by the Contractor, an estimated time schedule, and the Contractor's estimated person hours, bill rates and total cost of the work authorization.

1. All work authorizations will be in writing, negotiated and approved by the Contract Manager and the Contractor's Project Director, prior to beginning work. However, in situations where expedience is of the utmost importance, the Contract Manager may verbally authorize the Contractor to begin work following up with written authorization.
2. The level of effort required for each work authorization will vary for each proposed project. Therefore, the time lines for completion of duties to be performed will be established at the time of assignment by the Contract Manager.
3. The Board reserves the right to require the Contractor to stop or suspend work on any work authorization. The Contract Manager will provide, in writing to the Contractor's Project Director, notice of the date work is halted or suspended. Costs incurred to that date will be reimbursed in accordance with contract provision.
4. Each work authorization will be numbered sequentially.
5. The actual costs of a completed, approved work authorization will not exceed the authorized amount, except under the following condition:

If, in the performance of the work, the Contractor determines that the actual cost will exceed the estimated costs, the Contractor will immediately notify the Contract Manager. Upon such notification, the Contract Manager may:

- a. Alter the scope of the work authorization to accomplish the work within the estimated costs; or
- b. Augment the work authorization budget; or

- c. Authorize the Contractor to complete the work for the actual costs; or
- d. Terminate the work authorization.

Prior to exceeding the approved budget, approval must be secured in writing from the Contract Manager and the work authorization modified to reflect the change. If the problem occurs because the Contractor is in fault, the Contractor will absorb the additional costs.

Subcontractor Management. The Contractor will select and manage only those subcontractors which are experts in their respective disciplines and capable of performing the tasks for which they were hired. Subcontractors should have extensive experience in their area of expertise, with particular emphasis on prior experience on similar programs or projects that clearly illustrate their expertise in areas essential to the Board.

The Contractor will manage a team capable of undertaking all work issued as a result of this contract. The Board or the Contractor may determine that the level of expertise or the services required are beyond that provided by the Contractor or its routine subcontractors. In that case, the Contractor will be required to employ additional subcontractors. The Board may specifically designate a subcontractor by name or will request the Contractor to identify a suitable subcontractor based upon requirements established by the Board.

In all cases, the Contractor will be required to establish all necessary contractual relationships with all subcontractors and properly reimburse all subcontractors within 20 working days of receipt of payment from the Board for services performed. The technical performance of the subcontractor will be monitored by the Contractor.

Subcontractors. The contractor will be entitled to make use of its own staff and such subcontractors as are mutually acceptable to the contractor and the State. All subcontractors specifically identified in the Scope of Work are considered to be acceptable to the State. Any change in subcontractors will be subject to the prior written approval of the Contract Manager or Executive Director. Upon termination of any subcontract, the contractor will notify the Contract Manager or the Executive Director immediately. All provisions of this contract will apply to subcontractors. The Board may substitute or add subcontractors of its own choosing by amendment.

The contractor will be responsible for the work of subcontractors. The contractor is also responsible for controlling costs and maintaining accurate records of invoices received from subcontractors. Subcontractors will be subject to any audits related to work performed as a part of, or in relation to, this agreement.

Communications. All official communication from the contractor to the State will be directed to the Contract Manager or the Executive Director, California Integrated Waste Management Board, 8800 Cal Center Drive, Sacramento, CA 95826.

All formal notices required by this agreement will be given in writing and sent by prepaid certified mail, by personal delivery or by telex.

Confidentiality/Public Records. The contractor and the State understand that each party may come into possession of information and/or data which may be deemed confidential or proprietary by the person or organization furnishing the information or data. Such information or data may be subject to disclosure under the California Public Records Act, commencing with Government Code section 6250, or the Public Contract Code. The State agrees not to disclose such information or data furnished by the contractor and to maintain such information or data as confidential when so designated by the contractor in writing at the time it is furnished to the State, only to the extent that such information or data is exempt from disclosure under the California Public Records Act and the Public Contract Code.

Publicity and Acknowledgement. The contractor agrees that it will acknowledge the Board's support whenever projects funded, in whole or in part, by this agreement are publicized in any news media, brochures, or other type of promotional material.

Successors and Assigns. The provisions of the agreement will be binding upon and inure to the benefit of the State and the contractor and their respective successors and assigns.

Discretionary Termination or Assignment of Agreement. The State will have the right to terminate this agreement at its sole discretion at any time upon 30 days written notice to the contractor. In the case of early termination, a final payment will be made to the contractor upon receipt of a financial report and invoices covering costs incurred to termination, and a written report describing all work performed by the contractor to date of termination.

The State, in lieu of terminating the agreement, will have the right to require the contractor to assign its rights and obligations under this agreement to the party or parties chosen by the State at its sole discretion. The contractor agrees to execute said agreement immediately upon 15 days written notice to the contractor from the State.

Stop Work Notice. Immediately, upon receiving a written notice to stop work, the contractor will cease all work under this agreement.

Contract Violations. Upon receipt of information that any of the conditions of this agreement have been violated by the contractor, the Board will have the right to conduct an investigation to determine whether a violation has occurred. If, after notice and public hearing, the Board finds that a violation has occurred, the

Board may terminate this agreement immediately. The contractor will be required to repay all unearned funds received from the Board under this agreement, or transfer possession of all materials and equipment purchased, and return the balance of funds received and not expended for such material and equipment, and render an accounting of all money received.

Disputes. If for any reason the contractor and the Contract Manager or the Executive Director cannot reach mutual agreement, the contractor may refer the dispute to the Board for final resolution.

Remedies. Unless otherwise expressly provided herein, the rights and remedies hereunder are in addition to, and not in limitation of, other rights and remedies under the agreement, at law or in equity, and exercise of one right or remedy will not be deemed a waiver of any other right or remedy.

Severability. If any provisions of this agreement are found to be unlawful or unenforceable, such provisions will be voided and severed from this agreement without affecting any other provision of the agreement. To the full extent, however, that the provisions of such applicable law may be waived, they are hereby waived, to the end that the agreement be deemed to be a valid and binding agreement enforceable in accordance with its terms.

Force Majeure. Neither the State nor the contractor, including the contractor's subcontractor(s), if any, will be responsible hereunder for any delay, default or nonperformance of this agreement, to the extent that such delay, default or nonperformance is caused by an act of God, weather, accident, labor strike, fire, explosion, riot, war, rebellion, sabotage, or flood, or any other cause beyond the reasonable control of such party.

Controlling Law. All questions concerning the validity and operation of the agreement and the performance of the obligations imposed upon the parties hereunder will come within the jurisdiction of and be governed by the laws of the State of California.

Ownership of Drawings, Plans and Specifications. The State will have separate and independent ownership of all drawings, design plans, specifications, notebooks, tracings, photographs, negatives, reports, findings, recommendations, data and memoranda of every description or any part thereof, prepared under this agreement, and the originals and all copies thereof will be delivered to the State upon request. The State will have the full right to use said originals and copies in any manner when and where it may determine without any claim on the part of the contractor, its vendors or subcontractors to additional compensation.

Copyrights and Trademarks. The contractor agrees to establish for the State good title in all copyrightable and trademarkable materials developed as a result of this agreement. Such title will include exclusive copyrights and trademarks in the name of the State of California.

As used herein, "copyrightable material" includes all materials which may be copyrighted as noted in Title 17, United States Code, Section 102, as follows: 1) literary works, 2) musical works, including any accompanying words, 3) dramatic works, including any accompanying music, 4) pantomimes and choreographic works, 5) pictorial, graphic and sculptural works, 6) motion pictures and other audio visual works, and 7) sound recordings. As used herein, "trademarkable material" means any material which may be registered as a trademark, service mark or trade name under the California Trademark Law, cited at Business and Professions Code (B&PC) Sections 14200-14342. "Trademark" is defined by B&PC Section 14207. "Service mark" is defined by B&PC Section 14206. "Trade name" is defined by B&PC Section 14208. contractor agrees to apply for and register all copyrights and trademarks, as hereabove defined, in the name of the State of California, for all materials developed pursuant to this agreement which may under the applicable law be copyrighted or for which a trademark may be registered. Failure to comply with this article when such failure results in the loss of the exclusive right of the State to use, publish or disseminate such materials, when such failure and result occur during the term of the contract, constitutes breach of contract.

Patents. The contractor will, subject to the terms herein, have all right, title and interest in and to each invention or discovery conceived of or first actually reduced to practice in the course of or under this agreement, and will take all steps to acquire a patent thereto if such invention or discovery is likely to have significant value. The State will have a nonexclusive, royalty free license in any such invention or discovery when used for State purposes. Any person wanting to use the invention or discovery will receive a nonexclusive license subject to reasonable royalties. The contractor agrees to pay the State fifty percent (50%) of all royalties accrued as a result of this agreement, to a maximum equal to the amount funded under this agreement.

Reports. If this contract is for the production of a report, the contractor, pursuant to Government Code Section 7550, will include in the report the dollar amount and contract number of all this contract.

The contractor will also include in the report a disclaimer that states, "The statements and conclusions of this report are those of the contractor and not necessarily those of the California Integrated Waste Management Board, its employees, or the State of California. The State makes no warranty, express or implied, and assumes no liability for the information contained in the succeeding text."

EXHIBIT A

Scope of Work

The pilot aluminum can recycling drive is to be completed in two phases. During Phase I, the East Bay Conservation Corps shall collect aluminum cans from three elementary schools in the Oakland Unified School District participating in the pilot recycling can drive project. East Bay Conservation Corps shall transport the aluminum cans to Aaron Metals for recycling. All proceeds from Phase I recycling activities will go directly to the schools participating in the pilot project.

Phase II requires the East Bay Conservation Corps to continue transportation services, as needed, from the three elementary schools participating in the pilot project. East Bay Conservation Corps will also provide assistance to students and schools in the expansion of recycling and source reduction programs throughout the Oakland Unified School District.

EXHIBIT B

Budget

Through this agreement the Board shall provide the East Bay Conservation Corps with funds not to exceed \$9,850.00. These funds will be disbursed in two progress payments.

The first payment will be available as soon as the East Bay Conservation Corps notifies the Contract Manager that Phase I of the project has been completed. The contractor may invoice the Board for an amount not to exceed 50 per cent of the \$9850.00. According to the State Administrative Manual, 10 percent of the amount invoiced shall be retained pending satisfactory completion of the contract.

The second and final payment will be made upon satisfactory completion of the project and all elements of Exhibit A, Scope of Work, have been completed.

EXHIBIT C

Contract Payment Request Instructions

The following instructions outline policies and procedures necessary to request California Integrated Waste Management Board contract payment. Please follow these guidelines to expedite the handling of your request.

I. GENERAL INFORMATION

- A. Any amendments and/or changes in subcontractors must be submitted for review and receive approval from the Contract Manager before payment can be made.
- B. Only those items found in Exhibit B of the approved contract will be eligible for payment.
- C. Change orders must be approved before reimbursement will be made. The payment request should only reflect completed, eligible, and approved change order work. A copy of the approved change order must be submitted with the payment request.
- D. It will be the responsibility of the consultant to pay all subcontractors for purchased goods and services.

II. PAYMENT REQUEST PROCESS

- A. Payment requests for contractors, consultants, and service agreements must be submitted in triplicate and no more than once every thirty (30) calendar days. Mail payment request to the following address:

ATTN: Fiscal Office
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

- B. If a contract calls for a withhold, ten percent (10%) will be deducted from every payment request and retained by the State until all the conditions stipulated in the contract have been satisfied.
- C. The request for final payment is to be made only when all portions of the project are 100 percent complete.

- D. The State will make payment to the contractor as promptly as fiscal procedures permit. If the contractor is a nonprofit organization and the contract value is less than \$500,000 or if the contractor is a small business, payment is due 30 days from the date services are received and accepted by the State, or 30 days from the date a correct payment request is received in the office specified by the State, whichever is later. Payment is due to any other contractor 60 days from the date services are received by the State or 60 days from the date a correct payment request is received in the office specified by the State, whichever is later. When provision is made for a testing period preceding acceptance by the State, date of acceptance will mean the date services are accepted by the State during the specified testing period.

III. REQUIRED DOCUMENTS AND PREPARATION INSTRUCTIONS

The following documents must be submitted when requesting California Integrated Waste Management Contract Payments:

- A. Your invoice document must include the following information.
1. Contractor - Name of business or individual identified as Contractor.
 2. Contract Number - As shown at the top of contract.
 3. Address - Mailing address of contractor.
 4. Type of Payment - Indicate progress or final
 5. Payment Information - Provide information as indicated.
 6. Signature - Each payment request must be signed by the authorized representative as indicated by title in the original contract. (Note: The signature must be an original signature. Copies or rubber stamps will not be accepted).

B. Cost Summary

The cost summary is an itemized recap of the line item expenditures in Exhibit B of the approved contract.

Submit a separate cost summary for each major sub-element within the contract.

1. Contract Number - As identified at top of contract.
2. Date - The date payment was made by the contractor to sub-contractor, vendor etc.
3. Purpose of Expenditure - Separate into cost categories identified in the contract budget.

Indicate specifically the nature of the charge, (e.g., Market Research or Public Relations, rather than a general description such as "Source Reduction", or "Recycling".

4. Recipient - Who received the payment, who actually did the work.
5. DV/M/W Business Enterprises - Indicate if the payment was made to a disabled veterans, minority or women's business enterprise.
6. Amount - Dollar amount of the line item.

C. **Supporting Documents**

All requests for payment must include supporting documentation to verify expenditures claimed on the "Cost Summary" and provide a clear audit trail. Source documents must be maintained by the contractor for at least three years following the completion of the contract. Representatives of the California Integrated Waste Management Board and the Auditor General shall have access to the facilities, premises, and records related to those matters connected with the performance of the contract, including, but not limited to, the costs of administering the contract. Appropriate documentation that must accompany the payment request include:

1. Copies of bids, sole source justification
2. Receipts, purchase orders, canceled checks
3. Invoices or vouchers for payment to subcontractors (including consultant services). Need to clearly identify under which sub-element of the contract costs were incurred.
4. Copies of approved contract change orders.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOVEMBER 18, 1992

AGENDA ITEM 26

ITEM: CONSIDERATION OF CRRA COSPONSORSHIP

COMMITTEE ACTION:

The Legislation and Public Affairs Committee considered this item on November 17, 1992; therefore, specific Committee action cannot be reflected in this agenda item.

BACKGROUND:

On November 30, 1992 CRRA is sponsoring a training course for recycling manufacturers to assist them in expanding their businesses in California. CRRA is contracting with the National Development Council (NDC) to conduct their "Financial Management for Entrepreneurs" course.

ANALYSIS:

The target for this course is primarily end-use manufacturers of recycled products. Other participants would be small independent recycling companies who desire this training as well. CRRA intends to contact Recycling Market Development Zone administrators to identify specific companies who are participating in their programs. CRRA will individually invite those firms to take part in this training course.

CRRA will also work with CIWMB staff and others to identify other recycling manufacturers who will be invited. As space is limited by NDC to 50 participants, independent recyclers will be allowed to attend on a space available basis only. Zone administrators may attend only if they bring an end-use manufacturing company with them.

CRRA has invited the Board to cosponsor this training course. They are seeking \$2,500 to partially defray the \$4,000 cost of hiring NDC to which CRRA has already committed. The remaining costs of this workshop will be paid by registration fees.

CRRA training course participation would be appropriated from the FY 92/93 Public Outreach budget leaving a balance of \$44,406. Previous deductions have been State Fair and League of California Cities events.

STAFF COMMENTS:

One objective of the Board is to facilitate the development of markets for recycled materials and to facilitate the production of new products from recycled materials. This would also compliment the technical assistance offered to small businesses through the Board's Recycling Market Development Zone Loan program, in addition to being an excellent opportunity to communicate with small independent recycling companies.

Prepared by: Joanne Vorhies *ji* Phone 255-2707

Reviewed by: Pat Macht *PM* Phone 255-2294

Legal review: _____ Date/Time _____

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOVEMBER 18, 1992

AGENDA ITEM 27

ITEM: CONSIDERATION OF COSPONSORSHIP OF CALIFORNIA STATE
ASSOCIATION OF COUNTIES (CSAC) CONFERENCE

COMMITTEE ACTION:

The Legislation and Public Affairs Committee considered this item on November 17, 1992; therefore, specific Committee action cannot be reflected in this agenda item.

BACKGROUND:

Historically the Board has participated in CSAC conferences around California. Typically, the Board has staffed a booth with Public Affairs and Local Assistance Branch personnel and have met with tremendous interest by conference participants. Frequently Board Members have taken the opportunity to speak at these conferences. Last year Wesley Chesbro spoke on behalf of the Board.

CSAC is continually improving its services and programs to meet the challenges of the next decade and beyond. CSAC is always looking for more ways to save counties money and to help them find better ways to utilize limited resources. Thus, the conferences provide a link between the Board and local government.

ANALYSIS:

This year CSAC will hold its conference in Palm Springs, California from December 1-4, 1992. The cost for the Board to cosponsor will be \$1,500. CSAC anticipates a minimum of 1,000 attendees who will gather with a common interest in county government.

CSAC event participation would be appropriated from the FY 92/93 Public Outreach budget.

STAFF COMMENTS:

This is an excellent opportunity to communicate timely information about recent changes affecting this major constituent group. Elected County officials as well as executive management will attend.

Prepared by: Joanne Vorhies Phone 255-2707

Reviewed by: Pat Macht Phone 255-2296

Legal review: _____ Date/Time _____

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

September 30, 1992

AGENDA ITEM 3

ITEM: Consideration of Upcoming Contracts and Interagency Agreements for FY 1992-93.

BACKGROUND:

At the September 25, 1992 Administration Committee meeting the attached list of contract proposals, except those identified to be considered before the full Board, was approved for the consent agenda.

The balance of the Board's FY 1992-93 contract funds are:

\$5,614,000 IWM Account (387 Fund)
\$ 927,000 California Used Oil Fund (100 Fund)
\$1,213,000 Tire Recycling Fund (226 Fund)

ANALYSIS:

Action is needed by the Board so the next step in the contract process can begin for the balance of the 1992-93 proposals.

The following three proposals were approved for award:

1. California Conservation Corps (CCC) - \$1,000,000
Special appropriation for interagency agreement with CCC and CIWMB
2. California Community College Foundation - \$550,000
Amendment to the existing student assistant contract
3. Science Applications International Corp. - \$78,000
Amendment to existing contract to conduct Metallic Discards Study

Approval is needed to award Local Government Commission a sole source contract to continue the CALMAX program.

1. Local Government Commission - \$100,000
Sole source renewal of the CALMAX contract will allow consistency to be maintained in the ongoing CALMAX effort.

Prepared by : Susan Villa
Reviewed by : Bob Del Agostino
Legal Review : R

Phone 255-2245
Phone 255-2269
Date/Time 9/28

CONTRACT PROPOSALS: FY 1992-93

IWMA

	Recommended	Committee Assignment
Administration & Finance Division		
IWM-AF02 Student Assistants	\$ 550,000	Administration
IWM-AF03 CIWMB EDP Services	\$ 260,000	Administration
IWM-AF06 ¹ Internal Financial Control Review	\$ 60,000	Administration
Permitting & Compliance Division		
IWM-PC01 Geotechnical-Slope Stability Training	\$ 25,000	Permitting & Enforcement
IWM-PC02 Landfill Fire Investigation Training	\$ 25,000	Permitting & Enforcement
*IWM-PC03 ¹ <u>Review of Overlap of the State Water Resources</u> <u>Control Board and the CIWMB</u>	\$ 150,000	Permitting & Enforcement
Planning & Assistance Division		
IWM-PA01 ² Design/Equip Integrated Info. Sys. for Waste Diversion Data	\$ 100,000	Planning
IWM-PA02 Market Development Implementation Assistance	\$ 280,000	Market Development
IWM-PA03 California Materials Exchange (CALMAX)	\$ 100,000	Market Development
IWM-PA04 Landfill Disposal Capacity -- Phase III	\$ 200,000	Policy
IWM-PA05 Newsprint & Trash Bag Certifications	\$ 80,000	Market Development
IWM-PA06 Masters Contract w/DGS to Purchase Recycling Containers for State Facilities	\$ 50,000	Administration
*IWM-PA07 ¹ <u>Model Annual Report</u>	\$ 100,000	Planning
IWM-PA08 SRRE Coordinator Training (See IWM-SP05)		Planning
IWM-PA09 Newsprint Testing	\$ 20,000	Market Development
IWM-PA10 Rigid Plastic Packaging Containers	\$ 45,000	Market Development
IWM-PA11 Ed. Tools for Local Implementation of K-12 Public Schools SRR Program ...	\$ 87,000	Planning
IWM-PA16 Compost CEQA Assistance	\$ 100,000	Permitting & Enforcement
IWM-PA17 Revolving Loan Fund Program Admin. Services	\$ 100,000	Market Development
IWM-PA19 ³ Uniform Methodology for Waste Disposal Characterization Sampling	\$ 200,000	Planning
Public Affairs & Education Office		
IWM-PI01 Education Materials	\$ 200,000	Legislation & Public Affairs
IWM-PI02 ¹ Graphic Services	\$ 200,000	Legislation & Public Affairs
IWM-PI04 Shopper's Guide to Recycled Products	\$ 50,000	Legislation & Public Affairs
IWM-PI06 Co-Sponsorships	\$ 50,000	Legislation & Public Affairs
IWM-PI08 ⁴ Development Opportunitites/Environmental Industries (See IWM-SP05)		Legislation & Public Affairs

Research And Technology Development Division

IWM-RT03	Comprehensive Laboratory Services Contract	\$ 175,000
IWM-RT07	Prison Industries - Phase II	\$ 100,000
IWM-RT08	Amendment of Contract #C083 (Sampling & Analysis)	\$ 45,000
IWM-RT09 ¹	Waste-to-Energy Economic Analysis	\$ 100,000

Policy
Permitting & Enforcement
Policy
Policy

Strategic Planning & Policy Development Office

<u>IWM-SP01¹</u>	<u>Economic Analysis of Statewide Funding Alternatives</u>	\$ 100,000
IWM-SP05 ⁵	Integrated Waste Management Innovations Grant Program	\$ 394,000

Administration
Policy

IWM-PA08	SRRE Coordinator Training	\$100,000
IWM-PI08	Development Opportunities/ Environmental Industries	\$200,000
	Unallocated Grant Funds	\$ 94,000

Sub-Totals \$3,946,000

Addendums:

Landfill Education	\$100,000
EDP risk Analysis and Operational Recovery Plan	\$ 30,000
<u>DDB Needham (amendment to IWM-C1009)</u>	\$450,000
Metallic Discards	\$ 78,000
ALCOA Aluminum/Oakland City Schools Metal Recycling Program	<u>\$ 10,000</u>

Sub-Total \$668,000

Special Appropriation California Conservation Corps \$1,000,000

Grand Total \$5,614,000

¹Items pulled from consent agenda to be considered before the full Board

SOLID WASTE DISPOSAL FUND (Deferred for One Month)

	Recommended	Committee Assignment
Administration & Finance Division		
SWD-AF01 Solid Waste Landfill Enforcement Activities	1,000,000	Permitting & Enforcement
Permitting & Compliance Division		
SWD-PC01 Corrective Action Program	\$3,375,000	Permitting & Enforcement
TOTAL	\$4,375,000	

CALIFORNIA USED OIL FUND

Administration & Finance Division		
UOF-AF01 ¹ Audits of Oil Recycling Enhancement Program	\$ 200,000	Administration
Planning & Assistance Division		
UOF-PA01 ² Design/Equip Integrated Information System for Waste		
Diversification Data	\$ 200,000	Planning
UOF-PA02 Media Campaign for the Used Oil Recycling Program	\$ 527,000	Legislation & Public Affairs
TOTAL	\$ 927,000	

TIRE RECYCLING FUND

Research And Technology Development Division		
TRF-RT01 Demonstration of Asphalt Containing Recycled Rubber (IWM-RT12)	\$ 500,000	Policy
TRF-RT02 Technoeconomic Analysis of Tire Pyrolysis Projects (IWM-RT16)	\$ 100,000	Policy
TRF-RT03 Augmentation to Ash Quantification & Characterization Study	\$ 40,000	Policy
TRF-RT04 Integrated Waste Management Innovations Grant Program	\$ 473,000	Policy
TRF-RT05 Permit Manual Update	\$ 100,000	Permitting & Enforcement
TOTAL	\$1,213,000	

End Notes

1. These proposals are addendums from 91-92 "Potential Year End Contracts". Total \$910,000
2. This proposal is for a total of \$300,000: \$200,000 from California Used Oil Fund and \$100,000 from IWMA.
3. This proposal combines the following three proposals:
 - IWM-PA19 - Uniform Methodology for Waste Disposal Characterization Sampling
 - IWM-SP02 - Evaluation of Alternative Methods for Conducting Waste Generation
 - IWM-PA20 - Waste Characterization Standards
4. Submitted by Board Members.
5. Additional (\$473,000) Integrated Waste Management Innovations Grant Program funding listed under TRF-RT04 for a total of \$867,000 for the Grant Program.

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